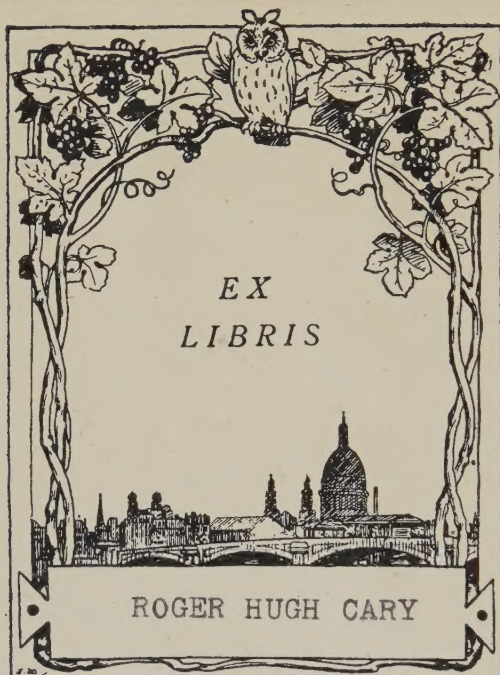


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VOL. VIII

XIV. STUDIES IN THE PERIOD OF BARONIAL REFORM
AND REBELLION, 1258-1267

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P R E F A C E

THERE is hardly a more dramatic episode in the history of medieval England than the career of Simon de Montfort, the brilliant French adventurer who became leader of the national opposition against Henry III's capricious and inefficient rule and prepared the ground for the constitutional régime of the Edwardian period. Yet, while his personality and biography have been well described by Bémont and Prothero, and the constitutional importance of the struggles and reforms with which he was connected has been set forth by Stubbs and Pasquet, the social background of these moving events has not attracted much attention. Historians have been intent to observe the grouping of the barons around the Bishop of Winchester and Prince Edward on one side, the Earl of Gloucester and the Earl of Leicester on the other, and to notice the curious intervention of the *communitas bacheleriae* at a critical moment. And yet there is no lack of materials to fill up the gaps left by the Chronicles. As in the case of the rising of 1381 most valuable information is gathered in the judicial records of the epoch. The plea rolls of Hugh le Bigod, the Justiciar set up by the baronial party after the Oxford Provisions, are still at the Record Office, and so are the records of trials held after the Kenilworth pacification with a view to redistributing possessions and appraising damages incurred during the

rebellion. A thorough examination of these materials has enabled Mr. E. F. Jacob to supplement the description of the political struggle in the great centres and to show how the parties were grouped and organized in the country at large. As a result of these studies controversies as to important points of the constitutional movement have received a new orientation. The continuous activity of the lesser knights and squires, grouped in the counties, formed a kind of counterpoise to the policy of the new Whig oligarchy, as Mr. Jacob calls the body of magnates who seized the reins of government in 1258.

The machinery for administrative reform was connected with a system of supervision and correction by special eyres, conducted in 1258 and 1259 by Hugh le Bigod, the Justiciar, and after March 1259 by six commissions in which not only justices but members of the baronial council took part. The author gives a detailed account of the procedure and of the main cases examined in these eyres. He lays stress on the characteristic method used in these commissions—they are chiefly concerned with complaints (*querimoniae*) and start their examination from presentments by juries as well as from direct petitions caused by aggrieved persons. In this way we have in these cases the first systematic use of the equity procedure illustrated later on by so-called Bills in Eyre. On a memorable occasion Peter of Savoy protested against this mode of conducting trials as illegal because it did away with the requirements of the strict procedure by writ. The contents of the rolls of Bigod and of the commissioners of 1259-61 are particularly interesting in so far as they illustrate the extortions and malpractices not only

of sheriffs and other royal officers, but also of seignorial bailiffs and stewards.

The attempt to hold in check the employees of the ruling magnates gave rise to many struggles and compromises. It may have been at the bottom of the first rupture between Richard of Gloucester and Simon de Montfort in 1259. It has left curious traces on the framing of the so-called Provisions of Westminster (October 1259). The author compares the various texts connected with these provisions, and—as a result of a careful examination—comes to the conclusion that the French articles inserted in the Annals of Burton and omitted in the Latin version of the Close Rolls represent a programme set up by a committee with the view of winning the sympathy and support of the mesne tenants, the lesser knights grouped in the counties. The wise men (*prudhommes*) and the knights called upon to elect the sheriffs from among the vavasours, i. e. the mesne tenants, obviously represent this class. The articles in question, inserted in the French document, have disappeared in the Latin text which represents the final conclusions of the baronial oligarchy.

The much discussed petition of the *communitas bacheleriae Angliae* is treated by Mr. Jacob from the same point of view. He adopts and develops Stubbs's view that it was a manifestation of the lesser knights, of the vavasours, who were disappointed and alarmed at the oligarchical tendencies of the baronial régime. The expression 'bachelor' was undoubtedly commonly used, as Professor Tout has shown, to designate younger men, juniors, but it occurs also in the technical sense of a knight following another knight's

banner. In this sense it is employed, in distinction from esquire and valet, in the lists of a great lord's *familia*—our author cites that of the Earl of Gloucester. In this connexion the *communitas bachelerie* would appear to denote a concerted meeting or an association of mesne tenants and lesser knights, organized in the troubled months of the autumn of 1259.

The materials collected in the second part of the volume do not admit of simple and concise generalization. They are chiefly obtained from two sets of judicial proceedings—the inquests held by justices after the defeat of Montfort as to lands taken from rebels and granted to supporters of the King or forcibly occupied by them (*de terris datis et occupatis*) and from the Rolls of Justices in Eyre who went through the country in three commissions to inquire into the misdeeds committed during the war, to assign the responsibility for them to the leaders and followers of the revolt, and to supervise the arrangements that had been made in consequence of the redemption clauses of the *Dictum de Kenilworth*. The author is very cautious in his references, and declines to insist on any definite repartition of claims and justifications. Yet the numerous facts cited by him seem to establish some interesting conclusions.

To begin with, it would be wrong to close the history of the movement at the battle of Evesham. The plea rolls show even more clearly than the chronicles that the fall of Montfort did not bring the agitation in the country to a close: the gentry who had followed the baronial leaders could not be pacified entirely by acts of repression directed against the magnates and their tenants. The relations between the parties were much

complicated by independent risings and by the political tendencies of the lesser knights, squires, and of the towns. As the articles of the Eyre show (cl. 8), the responsibility of members of the clergy and of great ecclesiastical institutions, like, for instance, the Abbey of Bury St. Edmunds, gave rise to a number of judicial and administrative problems. This aftermath of the rebellion produced a series of struggles especially in south-eastern England, and gave Gilbert de Clare the opportunity for decisive action in bringing about the compromise of Kenilworth. This prolongation of the struggle was partly due to the reckless granting away of estates after the victory of Evesham.

A considerable number of cases passes before our eyes and gives some insight into the action of local tentacles of Montfort's power, although it would be out of the question to draw an accurate map of the geographical repartition of forces.

Another point of great importance consists in the indications supplied by the personal and local data of the judicial records as to the participation of the county gentry and of the town population in the baronial movement. It is evident not only that they had grievances of their own, but that they were bent on bringing their influence to bear on the course of the troubled politics of the time. Their complaints were mainly directed against the extortions and arbitrary rule of the local administrators, both Royal and Manorial. In this regard, although the political combination of the years 1258-65 was broken down, the insight obtained by the judges in trials and inquests appears as a preliminary to the great investigations of Edward I's reign. In a sense the activity of the

gentry during the baronial troubles is significant of the growth of a force and of a tendency which reached their definite object even later—in Edward III's time—namely, in the advent of the Justices of the Peace, that powerful regional institution which has given a peculiar stamp—and its success—to English self-government.

PAUL VINOGRADOFF.

INTRODUCTORY NOTE

To re-write the history of the Barons' Wars is not the aim of these studies. They are a small attempt to classify and explore part of the mass of legal records which will have to be systematically searched and thought over before the more difficult problems of the period can be solved or a definitive history written. Every student of the baronial movement during these years is faced with the question whether, in addition to the demand for reformed conciliar machinery, for the dismissal of aliens from official posts, and for rigid exchequer supervision of finance, the programme of the reformers—or at least a section of them—in 1258 did not embrace a more genuinely popular aim than that of recalling the king to respect for, and trust in, his great feudatories, the 'natural' counsellors whom he had forsaken. If it did, what judicial and what legislative action was taken in the interest of the non-baronial classes, and with what success? Are the results of that action, granted that it was taken, to be traced in the support given throughout the country in the civil wars to the party of Simon de Montfort? Or was the action, such as it was, ineffective in remedying the abuses which it set out to cure? It cannot be said—it should not be expected—that ready-made solutions of these and many more perplexities are to be found in a class of material which presents considerable difficulty in interpretation. In the study of legal, just as much as in that of Exchequer, records, investigation has to be detailed and slow, and the technicalities of procedure understood before any attempt at generalization is made. But because the interest here is local as well as central, because our view is transferred from the head-quarters of government to its outposts in the counties, we are enabled to watch from a new angle the mechanism of government, its flaws and weaknesses, and the attempts to set them right.

At the root of much of the political unrest of the years 1258-67 lay problems of local administration and of the land law, and legal records introduce us to these. It is not surprising, therefore, that the need for more systematic work on the plea rolls of the latter part of Henry III's reign than has yet been attempted has been urged in several quarters.¹ It will be long before the printed edition of the Curia Regis Rolls has reached the period lying between 1242-70, that is (approximately) the date at which Bracton's Note Book ceases until the end of Henry's reign, and local archaeological societies have published the more important county Assize Rolls of that period. What is needed in the meantime is some classification of the great mass of Assize and Eyre Roll material, studies in the changes of procedure and the forms of action which are taking place during this critical time, and some indication of what particular groups of rolls are of use to the social and constitutional historian.² But as there is no class, except possibly the Exchequer Inquisitions, in which the record is more stiffly formal and more innocently deceptive, simply because (thanks to the writs) it is cast in certain definite moulds which tend to obscure or conceal the characters and circumstances of the litigants and the social background, the researcher's progress must be slow, the number of rolls that can be examined a very limited one.³ Even then, the formulae understood, doubts are bound to arise about the authenticity and value of the evidence emerging. A great part of the data used below has been extracted from the

¹ See particularly the Memorandum of Sir Paul Vinogradoff in *Appendices to the Report of the Royal Commission on Oxford and Cambridge Universities*, 1922 (Cmd. 1588), p. 37; and with particular reference to constitutional history H. G. Richardson's valuable paper on 'The Plea Rolls and Year Books as Sources of Historical Information' in *Trans. Roy. Hist. Soc.*, Fourth Series, vol. v, 28 et seq.

² Assize Rolls of the General Eyre have been classified by Miss H. M. Cam in a 'Provisional List of the General Eyres', in her 'Studies in the Hundred Rolls', *Oxford Studies in Social and Legal History*, vi, 109-10.

³ A critical edition of a single contemporary *coram rege* or Assize Roll with literally transcribed text (including all marginal notes and signs and giving the essoins), translation and commentary, somewhat on the lines of Maitland's *Pleas of the Crown for the County of Gloucester*, would form an excellent introduction to the legal records of this period. This is not to belittle the normal way of approach, i.e. via Bracton's Note Book, or the editions of plea rolls already published by county record societies.

veredicta of juries on some kind of inquisition. Before their testimony can be fully accepted, we have a right to ask to what extent the form in which the questions were put to the good and lawful men of the *patria*, or in what degree the personality of the expert who put those questions influenced the replies made; whether the jurors told all they knew, or told even half the truth; whether they understood what was asked them or whether their interrogator understood what he was required to find out from them.¹ Such evidence as has been utilized here must be subject to these reservations, and it is no use suppressing the fact that record material of this type may, at times, appear thoroughly inconclusive and unsatisfactory when used for a purpose like ours.

The plan adopted here is to present, as far as possible, two pictures of social and administrative conditions in the country during the baronial movement, drawn principally from the records of itinerant justices and of the *coram rege* tribunal. These fall naturally into two groups.² The first consists of the records of visitations in connexion with the enactments known collectively as the Provisions of Oxford; the second of material relative to the operation of the settlement embodied in the *Dictum de Kenilworth* and to the pacification of the country after the rebellion. Each group of records, the Assize Rolls of 1258-61, and the Curia Regis and Assize Rolls of 1265-70, has been supplemented by relevant material from Chancery and Exchequer records and from collections of Statutes; for in the former instance it is impossible to understand the significance of many of the pleas without an examination of the only surviving fragment of the Inquisition of 1258, and of the various texts of the Provisions of Oct.

¹ A novice would like to endorse the remarks of Mr. C. G. Crump in 'A Note on the Criticism of Records' in *Bulletin of the John Rylands Library, Manchester*, vol. viii, no. 1, 141-6, especially pp. 143-4: 'the secret of mediaeval inquisitions must be sought in the materials used by the experts who drew them up and not in the institution of the sworn inquest'. This verdict on the inquisitions *post mortem* and on inquiries into knights' fees is, I think, of wide application.

² The Assize Rolls in these two groups, as they are not records of the General Eyre but of special circuits and visitations, have been purposely omitted from Miss Cam's list.

1259, French and Latin; while in the latter the cases heard *coram rege* and before the Justices on special Eyre after the rebellion acquire new significance in the light of the returns to the Inquisition into the lands of the rebels held in 1265, and of administrative inquiries into the claims of sheriffs for allowances in the sums demanded of them by the Exchequer during the years of disturbance.

It is hardly necessary to say that most of the topics treated in the second study might be worked out separately at far greater length. The financial history of the rebellion, the tenurial changes that took place after Evesham (e.g. the splitting up of great honors), and the work and procedure of the court *coram rege*, to take only three—each could be the subject of a separate monograph which might correct as well as amplify the superficial treatment of it adopted here. I was anxious, perhaps with greater eagerness than discretion, to cover as much of the ground as I could, and can only hope that some more competent and patient scholar will see the possibilities in the material here used and turn them to better account.

My grateful thanks are due to Miss H. M. Cam for helping me on numerous points in connexion with the Inquisition of 1258, and with the pleas of the time of the rebellion; to Professor F. M. Powicke for some useful suggestions and illuminating criticism; to Miss Mabel Mills for the table of the *Adventus Vicecomitum* (in detail) for the various counties, the general statistics of which she has already published in the *English Historical Review*; to Dr. H. H. E. Craster of the Bodleian Library; to Mr. A. E. Stamp and Mr. Hilary Jenkinson of the Public Record Office; and to Mr. C. H. Williams for reading the proofs of the second part. The late Mr. W. H. Stevenson assisted me much with his wide knowledge of local history. My greatest debt is to the Editor of this series for help and encouragement given with the kindest and most unflinching interest.

E. F. J.

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ABBREVIATIONS USED

D. B.	Domesday Book.
A. R.	Assize Roll.
C. R. R.	Curia Regis Roll.
Close.	Close Roll.
<i>C. P. R.</i>	<i>Calendar of Patent Rolls.</i>
<i>C. C. R.</i>	<i>Calendar of Close Rolls.</i>
<i>C. Ch. R.</i>	<i>Calendar of Charter Rolls.</i>
<i>C. Inq. Misc.</i>	<i>Calendar of Inquisitions [Miscellaneous].</i>
L. T. R. Mem.	Lord Treasurer's Remembrancer's Exchequer Memoranda Roll.
Pipe	Pipe Roll.
<i>R. H.</i>	<i>Rotuli Hundredorum.</i>
<i>Foedera</i>	1816 ed., vol. i.
<i>R. B. E.</i>	<i>Red Book of the Exchequer</i> , ed. H. Hall (Rolls Series).
<i>S. C.</i>	<i>Select Charters</i> , 9th edition.
<i>Madox</i>	<i>History of the Exchequer</i> (quoted by chapter and section).
<i>P. and M.</i>	Pollock and Maitland, <i>History of English Law.</i>
<i>Holdsworth.</i>	<i>History of English Law</i> , 3rd ed.
<i>V. C. H.</i>	<i>Victoria County History.</i>

PART I

THE PROVISIONS OF OXFORD
AND LOCAL REFORM

CHAPTER I

GOVERNMENT BY COUNCIL, AND ADMINISTRATIVE REFORM

THE history of the last fourteen years of Henry III's reign has been so well explored that any one attempting to write about them must do so before a particularly large and critical tribunal. Studies of this epoch of experiment and disturbance have been, with one important exception,¹ primarily works of political biography, and have centred round the personality and aims of the remarkable man who has given the period the glamour of his prestige and the interest of his problematical character. The genius of Stubbs has permanently associated the Earl of Leicester, the subject of those studies, with the rise of representative institutions in this country, and made his times seem like the heroic dayspring of parliamentary models. It is with no intent to controvert this view, but in order to supplement it by bringing to light other aspects of the movement with which Simon de Montfort was associated, that students are turning to the administrative sources of Chancery and Exchequer, and most of all, perhaps, to the remarkable judicial records of his time,² the use of which is practicable for any legal historian prepared with care and patience to extract from a mass of pleading and counter-pleading, from inquests, juries, and the judgments of courts, the story of the actual working of the legislative and constitutional reforms connected with the baronial party. To see how ordinances and 'establishments' were interpreted in the courts; to understand the conditions which gave rise to them

¹ Professor Tout's section on this period in *Chapters in Mediaeval Administrative History*, i. 239-517.

² Their importance is emphasized by Mr. H. G. Richardson, 'The Year Books and Plea Rolls as Sources of Historical Information', *Trans. Roy. Hist. Soc.*, 4th ser., vol. v, pp. 28 et seq.

or under which they were modified and amended ; to view them not only as imposed from above, but as springing ultimately, even in the thirteenth century, from the vital needs of the humbler as well as of the more important members of the community, may be a task worth attempting, even though the results obtained be incomplete and resort to hypothesis in many places necessary.

The study of the Plea Rolls has led the present writer to examine the baronial reform from the standpoint of local government, and to concentrate his attention upon the attempts made therein to remedy grievances of local administration on the part of sheriffs and of royal or seignorial officials, as well as to effect certain changes in the legal relations of lord and tenant. These ameliorative measures, successful or unsuccessful, were an important and integral part of the baronial scheme of reform. Through them their authors sought to allay the discontent of a multitude of *mesne* tenants aggrieved at the exactions of the officials of great franchises as well as of royal officers who were abusing their positions. The corrective and constructive measures of the first two years of baronial government have not yet been scrutinized either in the Assize Rolls or in all the texts of the various Provisions and Ordinances which have so far come to light. The part played by the Justiciar in the reform and the work of the legislative committees between the Oxford Parliament of 1258 and the Michaelmas Parliament of 1259 are worth studying, if only because they introduce us to the problem of local government and of the relations between lord and tenant in the middle of the thirteenth century. It is proposed, therefore, in the first two chapters, after some initial remarks on the relations between Council and Justiciar, briefly to investigate the Inquisition of 1258 and its sequel, the *itinera* of Hugh le Bigod¹ in 1258-1259 ; in the third chapter to review in the existing texts the legislative work of the first two years of baronial government and the practical efforts made to give

¹ He has been called 'Bigod' and his brother, the Earl Marshal, 'Roger Bigod' throughout these pages.

effect to it ; and in the fourth to face once more the old question of the bachelery, and in conclusion to summarize and appraise the work of the government from 1258-1261 with special regard to the correction of abuses in bailiwick and franchise.

§ 1. *The Immediate Situation : Council and Justiciar.*

In the revolution which took place between the beginning of May and the early days of August 1258 we may distinguish two phases : the period in which the Council of Twenty-four, whose decisions the king on 2 May promised to observe, was working out its plan and programme, noted down for the guidance of the more permanent body that was to succeed it in the rough memoranda known as the ' Provisions of Oxford ' ; and the period dating probably from 26 June, the day on which the four electors from the Twenty-four were told to proceed with their task, when their newly-chosen Council of Fifteen was being initiated into the work that lay before it. After the Oxford parliament the Council probably followed the king to Winchester, where, according to FitzThedmar, in a ' parliament ' it licensed the departure of the king's relatives, and then returned to London to sit daily at the Temple and elsewhere,¹ as a curious mixture of statutory commission and executive. On 4 August the king issued letters promising to observe whatever it should decide.² The change of régime was complete. Consideration of the Council's legislative proposals we must for a while postpone ; let us turn to its administrative work.

On a first reading it would be difficult to gather much information either from the judicial or from the administrative records of the summer and autumn of 1258 about the results of the change which had taken place at Oxford. The atmosphere may have been thrilling, but the records are unspectacular. The chancery scribes, the remembrancers at the Exchequer, make no new headings, scrawl no new pictures

¹ *Liber de Antiquis Legibus* (c. 5), 38-9. It may have met in the house of the Bishop of Durham, where, according to Matthew Paris, Simon de Montfort was staying in July : *Chronica majora*, v. 70 et seq.

² *Foedera* (1816), i. 371.

or signs in their margins; even the pleas heard in June at Oxford itself as recorded on the *coram rege* roll reflect in no particular the establishment of a new régime: there are the usual complaints against sheriffs who trespass upon private franchises and liberties, against officials who refuse to act upon the king's writ or say it came too late, the usual crop of seisin cases, the usual charges of violence: only once is the veil lifted for us to see the actors, when in a plea of land evoked at the request of one of the parties from the Justiciar's court in Dublin the abbot of Mellifont in his suit against John de Verdun comes 'before the lord king, the earls, barons, and all the justices of England at the great parliament of the lord king himself', and John of Verdun refuses to follow his plea in such an assembly.¹ Whatever baronial committees might accomplish, the lawyer had to uphold the dignity of the crown, and the record of the pleas held *coram rege*, where Hugh Bigod, the Chief Justiciar, was sitting, is disappointing to those who are eager for traces of the governmental change. But when it is remarked that even in the stirring years 1264 and 1265, during which there was a sharp interruption of judicial and fiscal activity, the various departmental records do their best to hide the lack of continuity and present the whole business of government as proceeding as before, no surprise need be caused that in comparatively peaceful 1258 business appears to go on as usual. That is the English way.

But the Council's control of affairs had become a reality. The king, as the October proclamation of adhesion to the Provisions was to declare, intended 'to hold firm and stable whatsoever the Council or the greater part of it shall do',² and the Fifteen were determined to make their guidance felt. In the letters patent for 43 Hen. III (Oct. 28, 1258—Oct. 27, 1259) the chancery clerks note the authentication of the Council or of its individual members when any important letter was enrolled. It is the whole Council which authorizes any considerable act of royal policy. The doctrine of its sphere and functions in a constitutional sense is outlined in

¹ C. R. R. 158, m. 12.

² Shirley, *Royal Letters*, ii. 128-9.

a writ of 1259 to the bishop of Durham forbidding him to exercise patronage or to transfer it to others in a manner prejudicial to the rights of the crown. According to the laws and customs of our realm, says the king, the determination of the right to patronage of churches appertains to the right and dignity of our crown and clearly belongs to our court even in the case of those to whom we or our predecessors have granted royal rights (*regalia jura*); 'now since by the common council of our nobles we have thought fit to provide and firmly decree that the laws and customs of our kingdom on this as well as on other subjects should be observed by all who wish to enjoy those royal rights or other liberties granted to them, and in view of the fact that the declaration and interpretation of law and custom belong to us and our nobles and to none other, we of the counsel of our nobles forbid you, as you would desire to use those royal liberties which you pretend are yours, to put any interpretation on them contrary to the laws and customs current in our realm'. The writ is witnessed by the king, and by the earl of Gloucester and Hugh Bigod, the Justiciar, *ex parte magnatum*.¹ This might be interpreted as voicing orthodox legal doctrine and having no wider significance; but, taken in conjunction with other writs on the Close Roll, it seems a constitutional statement of considerable importance. The magnates are joint guardians with the king of the laws and customs of the country.

'Ferociter procedunt barones in agendis suis,' wrote an eyewitness of the Oxford Parliament,² and admittedly the barons had need of driving force in undertaking a policy which embraced a general settlement of foreign affairs as well as fiscal and administrative reform. The details of the truce with Llewellyn, of the preliminaries of the great treaty of peace with France, or of the negotiations with the Pope relative to the Sicilian business, are too well known to need detailed treatment.³ The source of the negotiations is clear.

¹ Close, 43 Hen. III, m. 4 d. Cf. the writ printed in Bémont, *Simon de Montfort*, p. 172, n. 2: 'Nam nostri proceres, et magnates, sua postponentes negotia propter nostra, suis spretis negotiis, nostris et regni nostri invigilant toto posse.'

² *Ann. Burton*, p. 443.

³ Cf. *Foedera* (1816), i. 374-6; Bémont, *Simon de Montfort*, pp. 172-85.

A memorandum on the Close Roll states that the letters then enrolled, dealing both with the French negotiations and the *negotium Apulie*, which were dispatched to the Curia in August 1258, were entirely due to the Council;¹ and we can watch its efforts directed towards a general settlement alike with the Papacy,² Scotland,³ Wales,⁴ and Gascony,⁵ while the king professed his close dependence on its deliberations.⁶

Part of its work of fiscal and administrative reform has already been dealt with by Professor Tout, both in regard to the changes in the officials of the great offices of state and the

¹ Bémont, p. 172, n. 1.

² *Foedera*, i. 373. The letter from the 'community of earls, nobles, magnates and others of the kingdom of England' to the Pope contains a concise statement of the constitutional change.

³ In writing to the King of Scotland Henry states that, as he wishes to help Alexander in the reform of his kingdom and thus minister to its honour and profit, he has recently sent Simon de Montfort, Peter of Savoy, and John Mansel to meet him, and promised to answer *de consilio eorum et aliorum procerum de consilio nostro* (Close, 42 Hen. III, m. 4d.; *C. P. R.* 1247-1258, 645). Simon de Montfort went primarily, of course, to compose the strife between the Comyns and the king's party; but that the arch-reformer should be sent to the Scotch king to advise him *in reformatione status regni* is interesting. The result of the Jedburgh conference was a victory for the principle of the joint council, for in the body then appointed to assist Alexander in the government four leaders of either party were associated with the queen mother and her husband. Cf. *Chron. Mailros* (Bannatyne Club), p. 184.

⁴ To which Peter de Montfort was sent as principal envoy; *C. P. R.* 1247-1258, 650, 660.

⁵ Gaston de Béarn, Gaillard de Solio, Gaillard Colon of Bordeaux and other prominent Gascons were summoned to England at the end of August to advise the king *in negotiis Wasconie* (Close, 42 Hen. III, m. 6 d.). The reason may have been Edward's wholly irregular grant of Gascony and its seneschalship to Geoffrey de Lusignan, and of the isle of Oleron to Guido de Lusignan. *Ibid.*, m. 6 d.: 'Galfridus de Lezinan . . . predictam terram Wasconie una cum senescalcia eiusdem terrae sibi ab eodem Edwardo Rege ignorante committi procuravit.' Similarly of Guy: 'Guido de Lezinan, sicut Rex intellexit, predictam insulam sibi ab eodem Edwardo dari seu committi procuravit in exheredationem Regis et corone Anglie.' The situation of Gascony is to some extent paralleled by that of Ireland, where in June 1258 Edward had been forbidden to appoint his own justiciar or to hand over his castles 'to certain persons'. *Foedera*, i. 373. Cf. Orpen, *Ireland under the Normans*, iii. 272.

⁶ Two striking examples are in *Foedera*, i. 397, where Henry, approached in Paris by Alfonso of Castile for financial assistance against Richard of Almain, replied that he could not deal with the matter because *Edward and the greater part of his Council were in England*; and Close, 44 Hen. III, m. 8 d., when the king writes that he had received a letter from Llewelyn but says that he could not fully consider it '*quia consilium nostrum ibidem non habuimus*'.

household as well as in regard to the baronial policy of retrenchment at court.¹ He has emphasized the continuity, in spite of baronial thunder, of the administrative personnel of Chancery, Exchequer, and Wardrobe, for after all it was probably not found expedient to get rid of the trained civil servant; and he has shown that the barons' desire to limit the sphere of the Wardrobe to purely domestic and household affairs, seen in the clause of the Provisions of Oxford that 'good men should be put in the Exchequer' and that into the Exchequer should go 'all the issues of the land and in no wise elsewhere', did actually become to some degree effective, since in the period 1258-1261 about three-fifths of the receipts in the Wardrobe and in the period 1261-1264 two-fifths came directly from the Exchequer.² His general view is that the revolution of 1258 did little to upset the recognized machinery of administration. What the Council had to do was to make that machinery work better; to get in all outstanding debts from the counties so as to replenish the Exchequer and to do it with the minimum of local friction. Its members relied upon a more efficient collecting of fines and amercements in the counties, the appointment as sheriffs of men whom they could trust and who could be relied on to bring in the sums required, and the clearing up by inquisition of outstanding debts.

It cannot be said that in any of these respects they were strikingly successful. The sums brought in by the baronial sheriffs of counties from 1259 to 1261 do not show any marked improvement on those in the profers before 1258,³ though

¹ *Chapters in Mediaeval Administrative History*, i. 295-312.

² The mandates sent to the sheriffs on 12 March 1261 to 'come and speak with the king' and to bring all the money they had for his use (Close, 45 Hen. III, m. 15 d.) may represent a determined attempt to shake off this exchequer tutelage, and thus mark the end of the first period.

³ M. H. Mills, *Adventus Vicecomitum*, in *E.H.R.* xxxvii. 494. Although the total of the *Adventus* for 43 Hen. III exceeds the total for the previous regnal year by a little over £300 (£2,474 13s. 3½d. as against £2,159 6s. 8d.) in 44 Hen. III there is a drop to £1,946, the lowest figure reached for a long time; nor is the lowness of this to be explained by local purchases on the king's behalf or by payments into the wardrobe by the sheriffs for which they could show the Exchequer the king's authorizing writs in order to be allowed these sums in their accounts.

a temporary increase in the attendances of sheriffs at the Upper and Lower Exchequer can be traced.¹ For the moment a mixture of bad statesmanship and unlucky weather had impoverished the country, and no amount of electing the sheriffs in county court contrary to the usual practice of royal appointment² could restore its impaired economic prosperity, although such a change might minister considerably to popular contentment. The collection of old debts, that time-honoured and perpetual care of every new government, was not to be achieved simply by sending for the Eyre *coram rege* and *de banco* rolls drawn up since the king's first coronation at Gloucester that were still in private hands³ and by distraining right and left for the long unpaid and probably long-forgotten amercements of Eyres and Assizes.⁴ Nor, as far as one can gather, was the attempt made by the Exchequer during the next two financial years to get in the ordinary as distinct from the 'foreign' debts of sheriffs any more effective. Among the principal sums owing the debts of ex-sheriffs in Northamptonshire and Surrey still presented a thorny problem. In Northamptonshire Hugh de Manby

¹ At the Exchequer of Audit there were 21 attendances in 1259 as against 15 in 1258; and at the Receipt 24 in 1259 as against 18 in 1258. Mills, *op. cit.*, 488, 492.

² For a specimen of the new formula for the writ of election, see P. R. O. *Lists and Indexes* (Lists of Sheriffs for England and Wales), ix, p. vi, nos iv and v.

³ Madox, *History of the Exchequer*, ch. xxiii, § 27. Cf. *Bracton's Note-book*, i, Introduction, p. 25, where Maitland does not speak of the practical purpose of acquiring the records of the king's courts—the collection of long outstanding fines and amercements.

⁴ There are several miscellaneous Rolls in the Lord Treasurer's Remembrancer's Department of amercements collected by Sheriffs, which may be dated 43 Henry III with some probability, i.e. L. T. R. Misc. Rolls 5/30 (Essex and Herts.), 5/36 and 5/37 (Kent), 5/44 (Lincoln), 5/61 (Northampton). With these should probably be connected a petition of the sheriff of Bedford and Buckingham against the collection of illeivable debts which the poor man says that he dare not and cannot collect for fear of the earl of Gloucester and the queen! Exchequer Accounts 505/9. Of 1259 also is L. T. R. Misc. Roll 1/6, a roll of amercements before Bracton and Simon de Walton. Bracton held assizes in Devon in 1254 (P. R. O. *Lists and Indexes*, iv. 170) and Simon, 'the king's superior justice to go on eyre for common pleas' as his commission in 1252 describes him (*C. P. R. 1247-1258*, 161), is not mentioned as holding pleas after 1256, for in 1257 he became bishop of Norwich (Le Neve, *Fasti*, ii. 461).

and William de Lisle were quarrelling about the amount of arrears for which each was responsible.¹ They were both thoroughly in debt;² and more serious still were the complaints coming into the Exchequer not only about them but about Alan de Maydenwell and John de Craunford,³ to the effect that, though all four had from time to time received from various debtors in the county sums demanded in the Exchequer summons, the debtors were still being distrained as if they had never paid. In the Exchequer court of pleas there were dealt with this year a number of similar cases where the sheriff had collected sums owing and sometimes even given a tally of acquittance or a quitclaim for them, yet had never forwarded the money to the Exchequer or put it on record in his account that he had received it.⁴ In the case of the Northamptonshire sheriffs the Exchequer ordered an inquest into the position of the indignant complainants to be held in full county court, at which the alleged debtors were to appear with their tallies and confront the four former sheriffs who were to be present to reply to the charges.⁵

¹ L. T. R. Mem. 34, 42-43 Hen. III, m. 17 d. 'Constat Regi per inspectionem rotulorum de scaccario quod Willelmus de Insula quondam vicecomes oneratur compoto eiusdem comitatus de toto anno xl^o et quia idem Willelmus primus recepit custodiam eiusdem comitatus ad festum sancti Martini anno predicto et illam dimisit in festo sancti Bartholomei anno eodem quo captus fuit; et licet compoto totius anni predicti oneretur, exitus tamen comitatus eiusdem neque in principio ipsius anni neque in fine habuit, ut dicitur. Et sic est multa contencio inter predictum Willelmum et Hugonem de Maneby qui fuit vicecomes in dicto comitatu anno etc xxxix et xli, scilicet ante ipsum Willelmum et post immediate, quis quantum receperit de supradictis exitibus tam de rebus assisis quam perquisitis, et posuerunt se ambo in Inquisitionem per G. de Preston faciendam. . . .'

² Pipe Roll no. 103 (58-59 Hen. III) Northants. Hugh owed in all £268 12s. 6d., and William de Lisle £136 16s. 11d.

³ Not in P. R. O. *Lists and Indexes*, no. ix, but here described as formerly sheriff of Northampton. He was probably sub-sheriff.

⁴ Exchequer Plea Roll i b, m. 6, m. 7, m. 9 d.

⁵ L. T. R. Mem. 34, 42-43 Hen. III, m. 9, 'ad testificandum ipsum quibus vel cui eorundem vicecomitum predicta debita solverunt et quanta temporibus eorum soluta fuerunt et quo anno et qua occasione. Et habeant ibidem tallias suas quas habent de predictis solutionibus, et alia si quae habent quae eos iuvare possunt in hac parte'. For a good example of an inquest into sheriffs' debts, cf. *Sheriffs' Accounts* (K. R.) 3/6 (1256, Cambs. and Hunts.). The inquest into the Manby and de Lisle contentions was held by Gilbert de Preston, and in Hilary term 1260 the barons knew for how much of the farms and rents of assize Manby was responsible,

In Surrey three ex-sheriffs, Robert le Sauvage (1246), Geoffrey de Cruce (1255-1257),¹ and Gerard de Evinton (1257-1258),² had to be distrained for the unpaid debts of their periods, but the Exchequer met with scanty success. After the barons' war their arrears still appear in the summons, and Geoffrey de Cruce's debts were not cleared off till 7 Edward III.³ The Pipe Roll of 1270 shows that the barons were not more successful in extracting sums due from Northamptonshire.⁴

But if recovery of debts along the old lines was not particularly successful the Council apparently succeeded at any rate in establishing closer touch with the Exchequer through the presence of the Justiciar at the Exchequer board. It was only natural that, if the Norman Justiciarship was to be revived, the Justiciar's presidential functions in the Exchequer should be exercised, and it would be thoroughly in accordance

the entry in the Memoranda showing that de Lisle had shifted some of his obligations on to the other man's shoulders. L. T. R. Mem. 35, 43-44 Hen. III, m. 12 d. 'Memorandum quod Hugo de Manneby recepit de rebus assisis et firmis de termino sancti Michaelis anno xl^o incipiente xli^o vii^{li}. xvs. xd. qui debent allocari Willelmo de Insula quia oneratur de exitibus comitatus de toto anno xl^o salvo recuperare suo versus Thomam de Wyvill'. Manby had not paid by 1261, for he is distrained that year for quitting the Exchequer without the barons' leave, when he had been attached to answer for his various debts. L. T. R. Mem. 36, 44-45 Hen. III, m. 7 d. 'Hugo de Manneby . . . recessit sine licentia baronum.'

¹ Pipe Roll no. 103 (1258-1259). 'Galfridus de Cruce debet xiiij li. xid. de quatuor debitis sicut continetur in Rotulo precedente et lxxii li. vs. xid. de remanentibus cuiusdam summe totalis sicut continetur in rotulo precedente et xl marcas pro toto comitatu Surr' sicut continetur in rotulo xv et xlii li. viis. et xid. de quadam firma totali sicut continetur ibidem, et xi marcas pro toto comitatu Surreie pro transgressionibus sicut continetur supra. Summa cxxix li. xiijs. et iid.'

² Pipe Roll no. 104 (1259-1260). 'Gerardus de Evinton debet c. s. pro contemptu. G. de E. debet c. s. pro contemptu sicut supra continetur, et viis. et viiid. pro catallis Johannis sicut continetur in Rotulo precedente, et x marcas pro fine pro pluribus transgressionibus per plegium Roberti de Waleton et Thome de Swynbroke et cxxxv li. xvis. viiid. de remanentibus cuiusdam firme pro proficuis comitatus sicut continetur in Rotulo principali post corpus comitatus. Summa cxlvij li. xvijs. viiid. et respondet infra in Sussex.'

³ Miss Mabel Mills in *The Pipe Roll for 1295, Surrey Membrane (Surrey Record Soc. xxi)*, pp. xxxi-xliii, analyses his debts at length.

⁴ Pipe Roll 114. C. C. R. 1272-1279, 438 shows that the debt continued in 1278.

with the designs of the reformers that he should, in the words of the *Dialogus de scaccario*,

'cause the writ of the lord king to be drawn up under his witness, in order that any sum may be delivered out of the Treasury, or that a sum may be reckoned to a man which is authorized to be so reckoned by the king's warrant; or, if he prefer, he may issue a writ in his own name under the witness of others'.¹

That Hugh Bigod, the new Justiciar, did actually follow this out may be seen from the Patent Rolls. We see him directing John de Crakehall the Treasurer² to pay the keeper of Edward's wardrobe sums of money out of the revenues of the see of Winchester which the Treasury had in custody;³ granting wardships, and a licence to marry freely and an advowson to an heiress;⁴ providing for John Mansel and Matthias Bezill in escheats, and for Alan Burnel in an annual pension of £20.⁵ He has a voice in the granting out to farm of the king's manors. The men of Brill are permitted to farm the royal manor through the joint authorization of the king and himself.⁶ He has a voice in the disposal of the property of Jews; he 'records' in the Exchequer that the houses of a certain Elias Bishop have been sold to another Jew for 400 marks.⁷ He presides over the full session of the

¹ Ed. Hughes, Crump and Johnson, i, § 5 A, and p. 172.

² According to Mat. Paris, *Chron. maj.* v. 720, Mr. Thomas de Wymondham was made 'thesaurarius ad scaccarium ubi consignantur brevia de viridi cera'. In view of this mention of the green wax and the fact that Letters Patent of the early winter of 1258 definitely state that John de Crakehall had succeeded Philip Lovel as Treasurer (*C. P. R.* 1258-1266, 1), Dr. Poole kindly suggested to me that Thomas de Wymondham may not have been Treasurer but Treasurer's Remembrancer. He appears on 4 Aug. 1258 as in the king's service at the Exchequer (*C. P. R.* 1247-1258, 644), and Madox (ch. xxv) in his list of barons cites the Memoranda Roll of 42 Hen. III for his being a baron of the Exchequer that year, that is before 27 Oct. 1258. In Hilary term 1260 Thomas is described as *Cancellarius Regis de scaccario*; L. T. R. Mem. 36, 44-45 Hen. III, m. 11 d.

³ *C. P. R.* 1258-1266, 6.

⁴ *Ibid.*, 37, 42.

⁵ *Ibid.*, 59, 63.

⁶ L. T. R. Mem. 34, 42-43 Hen. III, m. 4. 'Thesaurarius et Barones de precepto Regis et capitalis Iusticiarii sui commiserunt probis hominibus suis de Brehulla manerium illud custodiendum quam diu Regi placuerit.'

⁷ *Ibid.*, m. 12. 'Memorandum quod recordatum est in scaccario per Hugonem le Bygod Iustic' quod domus que fuerunt Elie episcopi Iudei vendite sunt per preceptum regis magistro Elie filio magistri Mosse pro cccc marcis.'

Exchequer attended by the bishops of Worcester and Salisbury, the Treasurer and Barons, and 'other magnates of the king's Council', where Roger Bigod complains that a Jewess, who owed money to the king, had been improperly removed from the keeping of the marshal of the Exchequer (who acted there on his behalf), and had been given over to the Constable of the Tower contrary to the custom of the Exchequer.¹ He probably did not hold pleas in the Exchequer, as the early Justiciar did,² but his name does not figure on the Exchequer Plea Rolls and one conjectures that he presides at *plenum scaccarium* only and does not exercise the jurisdictional functions of the Exchequer barons. Important matters of policy he is there, either as representing or actually with the council, to decide. He was there in November 1258 to receive the oath of the sheriffs newly appointed to be 'keepers' (*custodes*) of counties, for we find him with the Treasurer and barons hearing the petition of the sheriff-elect of Gloucester for exemption on the ground of a royal charter of exemption.³ On the death of the former treasurer, Philip Lovel, he and the council acting in conjunction with the Exchequer barons give the order for Philip's goods to be seized into the king's hands till his debts to the king are paid.⁴ But it is to be

¹ L. T. R. Mem. 35, 43-44 Hen. III, m. 8. 'Memorandum quod in presentia H. le Bygod, Iustic' Anglie, episcoporum Wygorn' et Sarum, Thesaurarii et Baronum de scaccario et aliorum magnatum de consilio domini Regis in pleno scaccario, cum ostensum est pro domino Rogero le Bygod com. Norff' et marescallo Anglie quod *etc.*' The custom violated was that 'tam Iudei quam Christiani clara debita debentes domino Regi inrotulata ad magnum scaccarium semper consueverunt liberari marescallo de scaccario pro eisdem'.

² Cf. Madox, ch. v, § 11 quoting Pipe Roll, 23 Hen. II, 'Nova Placita et novae conventiones per Iusticiarium ad scaccarium'; and ch. xxi, § 1.

³ L. T. R. Mem. 34, 42-43 Hen. III, m. 4. 'Robertus de Mesey electus per consilium Regis ad custodiendum comitatum Glouc' venit coram Iusticiario, Thesaurario et Baronibus de scaccario et protulit cartam domini regis in qua continetur quod Rex ei concessit quod non sit vicecomes nec Ballivus. Et ideo preceptum est ei quod sit in scaccario die Lunae proxima post festum Sancti Andreae ad audiendum et faciendum preceptum Regis. Et quod interim consulatur Rex super carta sibi concessa.' For the summons to the other sheriffs cf. m. 3 d.

⁴ Ibid., m. 11. 'Provisum est per Iusticiarium et comitem Glouc' et alios de consilio domini Regis et Barones de scaccario quod omnia bona et catalla que fuerant Philippi Luvel in quibuscunque locis capiantur in manum domini Regis quousque Rex habeat de eisdem bonis omnia clara debita in quibus dictus Philippus ei tenebatur.'

noticed that where a really large grant of the royal demesne is involved the Council acts, and Bigod's name is not specifically mentioned. Thus when the manors that are royal demesne or 'land of the Normans' in different parts of the country are granted to Simon de Montfort and his wife in payment of the annual sum of 600 marks which the king owed them, the important commitment is made 'by the counsel of the magnates of the Council';¹ it is the same when a really large obligation is concerned; it is the Council that exacts, for example, from the bishop of Hereford a full statement of his financial transactions at the Roman court and of the sums which he has collected for the tithe both in Ireland and in his own diocese.²

The competence of the new Justiciar is clearly stated in the Provisions of Oxford. 'La haute justice a poer de amender les torz fez de tutes autres justices, et de ballifs, e de cuntes, et de baruns, e de tutes autres genz, solum lei e dreit de la tere. E les brefs seient pledez solum lei de la tere e en leus deues'. The second sentence is not unnecessary. His wide and summary powers of correcting trespasses were to be tempered by the proper observance of procedure by writ: and we shall watch the combination of the two in Hugh Bigod's Eyre Rolls. His office differs from that of earlier Justiciars. He is appointed for one year only, his work is to be audited at the end of that period, and he has to swear to do right to all persons 'solum la purveaunce fete et a fere par les vint et quatre e par le conseil le rei e les hauz humes de la tere ki li jurrunt en cestes choses a aider e a meintenir'. 'The provision . . . *to be made* by the twenty-four' is possibly the *Providencia baronum* discussed below,³ which deals primarily with the intricacies of suit and with proposed changes affecting the land law. His oath to do right to all persons in strict conformity with the decisions and policy

¹ *C. P. R.* 1258-1266, 46; *L. T. R. Mem.* 35, 43-44 Hen. III, m. 2 d., and especially m. 3. Also *C. Ch. R.* 1257-1300, 20.

² Close, 44 Hen. III, m. 15 d. The Bishop had borrowed 2,247 marks from Florentine merchants, and his total expenses at the Curia and in collecting the tenth amounted to 3,148 marks.

³ Pp. 77-82. It may, however, refer to the acts of the Fifteen.

of the Council he took seriously, as the often recurring marginal *loquendum* in his rolls bears out. For Hugh Bigod, the baronial choice, was no professional. Until 1258 there is no Assize Roll that bears his name and he does not figure as a judge in any of the *coram rege* rolls till then.¹ No doubt his highly skilled colleagues, Roger de Thurkelby and Gilbert de Preston, would provide the element of legal experience, yet, when his work is compared with that of Hubert de Burgh, it is impossible not to be struck by the amount of justice which he does in addition to his administrative work in the Council and his duties as Marshal of the Household.

Until a detailed study of the Justiciars appears,² comparison of Bigod with his twelfth- and early thirteenth-century predecessors will be difficult. Hubert de Burgh was in the counties on assize in 1218,³ but the bulk of his work throughout his long tenure of the justiciarship lay in the Council and, apparently, in the Exchequer. The Fine Rolls exhibit him in two principal capacities: as receiving *oblata* of all kinds⁴ and as guarding with watchful eye the king's lands and manors, his wardships and rights of marriage.⁵ After 1219, when Pandulf left the country and the system of divided control in the Exchequer came to an end, Hubert took what was practically the position of a viceroy. His administrative power in 1223 brought on him the reproach of being 'a waster of the king's treasure'.⁶ The *Querimonia Falcasii* or complaint of Fawkes de Breauté to the Pope after his rebellion in 1224⁷ gives some indication of the light in which the Justiciar appeared to his opponents, and in spite of being a purely ex-parte statement clearly testifies to his almost

¹ It should, however, be noted that Matthew Paris calls him 'legum terrae peritum', *Chron. maj.* v. 698.

² This, fortunately, is now being undertaken by Mrs. Stenton for the reign of John.

³ *Excerpta e rotulis finium*, i. 17-19; in Norfolk and Suffolk.

⁴ *Ibid.*, pp. 30, 31, 34, 90, &c.

⁵ *Ibid.*, pp. 46, 82, 89, 93. The results of inquests *post mortem* under the seals of the jurors and of the presiding sheriff are laid before him and the Council.

⁶ *Ann. Dunst.*, p. 84.

⁷ *Memoriale Fratris Walteri de Coventria*, ii. 259-72.

vice-regal power. Stephen de Segrave, after the last arbitrary years of Hubert, probably represents a reaction to a primarily legal type of Justiciar, but his tenure of office was not long enough for us to determine its nature very accurately. The Justiciar who most closely combined justice and administrative work was Geoffrey FitzPeter.¹ Early Plea Rolls show him sitting with other justices at Oxford² and Northampton,³ witnessing with his judges and the Barons of the Exchequer a quitclaim by Quintin Talbot of the Abbot of St. Nicholas of Anjou,⁴ or (with his judicial colleagues) an important conveyance of land in the counties of Oxford and Buckingham;⁴ acting as a sort of judicial referee when consulted by the justices in Eyre,⁵ or hearing the complaints of the men of Beverley against the archbishop of York and awarding them a writ of novel disseisin.⁶ On the other hand

¹ See the little sketch in Stubbs, *Historical Introductions to the Rolls Series*, pp. 474-5.

² *Curia Regis Rolls*, i. 28. The 'adventus domini G. filii Petri in Norf' is anticipated in the fixing of the day for a trial in 12co. *Ibid.*, 178.

³ *Ibid.*, p. 117.

⁴ *Ibid.*, p. 128.

⁵ A.R. 613, m. 16d. Plea begun by writ of right. The tenant of the land (in Stainton by Longworth, co. Lincs.) pleads that he holds the land in wardship through Hugh, Bishop of Lincoln, and that he ought not to answer touching it while the see is vacant. G. FitzPeter is consulted and decides that he shall not answer. A.R. 817, m. 3: a novel disseisin brought by Ralph of Stewkley against Master Aristotle who according to Ralph has disseised him of common of pasture belonging to his free tenement in Stewkley (Hunts.). Master A. replies that he acquired the land as assart from the forester Hugh de Neville and made fine for it with him for 60s. Ralph says that he made fine for 4 acres, whereas there are 30 acres there and Mr. A. replies that he fined for it 'for 4 acres so that it should defend itself for 4 acres'. Geoffrey FitzPeter is consulted on the point whether Ralph's claim should be admitted. A.R. 817, m. 5: a novel disseisin in which the jurors do not know whether the tenement claimed is free or not, but merely recount the services by which it is held: the judges did not know either, and the case is adjourned for Geoffrey FitzPeter. The frequent adjournment of cases to Westminster in the early stages of John's reign may imply that the justices desire to have the matter thrashed out before the Justiciar. I am greatly indebted to Mrs. Stenton for pointing out to me these three cases.

⁶ *Curia Regis Rolls*, i. 385: an interesting and important petition, probably to king and Council, on the failure of the archbishop to keep his promise. For another 'complaint' before the Justiciar, cf. C.R.R. 26, m. 3d., in which Walter de Laceby complains that Hugh Malet has ejected him from his wardship which he had with Hugh, son of Richard de Laceby, and seeks the restoration of the wardship in accordance with

we find him attesting fines,¹ and acting as the chief executive officer of the Council in royal administration.² Now, as far as one can judge, Hugh Bigod is more like Geoffrey FitzPeter than Hubert de Burgh. He goes on Eyre as well as sits in the Council. The fines of the summer and autumn of 1258 often refer to the assizes or pleas of trespass which he was to hold³ or to his expected visit in different parts of the country.⁴ It was to be his business to follow up the Inquisition into administrative misgovernment held in the late summer and early autumn of 1258, and correct administrative offences; and as soon as he had finished hearing cases *coram rege* at Oxford he was to start on a period of judicial activity⁵ which began at the end of June after he left Oxford and continued with considerable interruptions—for his work in the Council at such a critical time necessitated his presence in London at Michaelmas, the Purification, and after Easter—until the end of August 1259. During this time he traversed

Hugh's charter. Hugh acknowledges his charter, but says that he complained before Geoffrey FitzPeter—'ipse conquestus est coram domino G'—because Walter had wasted the lands in his hand; and it was clear to Geoffrey that he had made waste, so that it was commanded that Hugh should receive his wardship.

¹ For examples see *Rotuli de Oblatis et Finibus* (temp. Regis Iohannis), esp. p. 186.

² Note particularly his activities between 1202 and 1208. *Ibid.*, *passim*, pp. 1–120. It is the Justiciar who is bidden to give tenants 'plenariam seisinam' when the fine is paid, *ibid.*, 187, 188; to whom writs of *liberate* are addressed, *Rot. Lit. Claus.* i. 146b; and who acts as a kind of escheator-in-chief during the early part of John's reign.

³ Fine Roll 55 (42 Hen. III), mm. 4, 3, 2. Note the often repeated phrases on e.g. m. 3 '[Linc—Abbas de Croyland] dat duas marcas pro uno brevi de transgressionem habendo *coram Rege vel coram Hugone le Bigod* Iusticiario in proximo adventu Regis apud Linc', or m. 2, *coram Rege vel Hugone le Bigod*).

⁴ Fine Roll 56 (43 Hen. III), m. 11. 'Glouc'—Robertus de Veel dat Regi dimidiam marcam pro uno brevi de transgressionem coram capitali Iusticiario habendo cum ad partes Glouc' venerit. Et mandatum est vic. Glouc' etc.' Entries relating to Sussex, Norfolk, Surrey, and York, show that he was expected in those counties.

⁵ Professor Tout, *Charters*, i. 296, draws attention to the establishment, on 3 Oct. 1258, of a commission of three judges 'empowered to hold the king's bench at Westminster', so that 'there was the less danger of judicial distraction taking away the Justiciar from his political functions'. The committee may have relieved Bigod of a certain amount of assize work, but it did not relieve him from going on tour in the counties, where, by following up the inquest of 1258, he would be fulfilling not merely a legal but also a political function of high importance.

practically all the Midlands and part of the South, and in several counties held pleas twice in successive years. He did not touch Cornwall, Devon, Somerset, or Dorset in the south-west, or Worcester and Shropshire in the middle west; more serious cases from these counties were heard *coram rege* in May and June 1258 and in 1259.¹ In comparing him with his predecessors stress should be laid on the inquisitorial and corrective character of the work which he has to do; and it might well be maintained that in this respect at least his appointment is a special and peculiar one and not wholly a revival of the earlier justiciarship; Bigod is up to a point somewhat like the 'Justicia Mayor' of Aragon, a dignitary forced upon the king by the nobles, who becomes, in Professor Altamira's words, 'mediating judge or judge of "contrafuero"' that is to say, 'examiner of infringements of law committed by the king or his officials'.² It is primarily the officials whom Bigod has to watch. Upon them it is time to concentrate our attention.

§ 2. *The Inquisition of 1258 and its Precedents.*

Maitland once wrote that the whole history of English Justice and Police might be brought under the rubric 'the decline and fall of the sheriff'.³ In the thirteenth century we are witnessing, it is true, a decline in the sheriff's social status, but along with it a remarkable increase in the technical character of his office. He or, more often, his sub-sheriff, has to be an administrative expert to understand and act promptly

¹ As e.g. C. R. R. 158, mm. 1, 3; no. 161, mm. 1, 12, 15, for some of the more important west country cases. There is a considerable proportion of west country assizes in the *de banco* rolls. The Michaelmas Roll of the bench (C. R. R. 160) is very large for 1258 — 59 membranes.

² 'Spanish Mediaeval Jurisprudence' in *Magna Carta Commemoration Essays*, p. 239. 'This guarantee was initiated in the Cortes of Egea in 1265. Its complete development is found in the "Privilegio General" won from Pedro III in 1283, and is still more marked in the "Privilegio de la Union" (1287) which forbade the king to take proceedings against any adherent of the Union, whether nobleman or municipality, without the intervention of a judicial sentence by the "Justicia" and the consent of the Cortes.'

³ *Justice and Police*, p. 69. See, however, H. M. Cam, 'Cambridgeshire Sheriffs in the Thirteenth Century', *Camb. Antiq. Soc. Communications*, xxv, 79.

upon the writs that grow in numbers every year. Without him the judicial centralization and the administrative unification of the Angevin kings would have been impossible; yet the great work and the great responsibility thrown upon his shoulders have again brought their penalties as they did in Henry II's reign; and thus it is that one of the chief problems of thirteenth-century administration is the problem of the shrievalty. But maladministration is seignorial as well as royal; for the seneschal or bailiff of a Peter of Savoy or a Richard of Cornwall stands in his Honour like the sheriff of a county, exposed to as great temptations, often answerable to a milder tribunal than the government.¹ In the 'Petition of the Barons' ² the abuses chiefly complained of relate to the extortion of the sheriff in connexion with the tourn and the county court. It is the high farm at which counties and bailiwicks are held that is, according to the barons, the source of the evil. The efforts of the local officer to meet his liabilities in this respect end in his resorting to different kinds of sharp practice. For instance (art. 17), sheriffs, when they make their two tourns each year, insist on earls and barons appearing in person and amerce them if they do not, although they may be residing in a different county; if the sheriff's right were challenged, he would reply that he was acting as Justiciar for that day (*Iusticiarius quoad diem*). A man may hold ever so little land without any dwelling-house thereon, yet the sheriff insists that the holding of that land constitutes an obligation to attend the tourn, and if the man fails to attend he is amerced. Then if a mandate comes that a certain case has to be tried before a justice specially sent down for the purpose the sheriff bids all knights and tenants appear on the day and place fixed for the trial and gives out the notice in the market-place where people are noisy or preoccupied (art. 19). Two other clauses deal with police functions. Sheriffs, it is alleged, will not put all

¹ To give an account of the functions of the whole hierarchy of local officers in the thirteenth century—Sheriff, Coroner, Escheator, Seneschal, Bailiff—would necessitate a more prolonged study than is possible here. I can only refer readers to the forthcoming works of Professor W. A. Morris and Miss H. M. Cam.

² *Ann. Burton*, pp. 439-443.

malefactors when brought to them into custody unless they are paid to do so—a gross travesty of justice. Lastly, after the famine due to the severe winter of 1257–1258, when the poor died right and left on the fields, the sheriffs, unless Englishry was presented, amerced the city or township near which the dead body was found as if it had been a case of murder, although nothing was known about the victim.¹ The amercements themselves are not made *secundum quantitatem delicti* but *pro voluntate sua*—at mere arbitrary will. This complaint occurs again and again in the Assize Rolls of the period.

If the 'Petition of the Barons' attributes many of the evils of local maladministration to the high farm of counties, the document commonly known as the Provisions of Oxford points to the personal indigence of the official as the reason for his succumbing to the temptations of office. The Provisions prescribe that the officer appointed should not be in want. If he is a justice or a royal bailiff he must be salaried (*E si covent ke le rei done a sa justice et a sa gent ke le servent, ke il ne eient mester ke il en prengent de autrui*). Sheriffs should be chosen from loyal persons, men of substance and landowners. To the sheriff the king must 'grant . . . of his own according to his contribution, so that he can guard the shire rightfully'. Neither he nor the royal bailiffs should take any fee for doing their duty. The sheriff must hold office for one year only and account annually at the Exchequer. Finally no officer or councillor of the king should take any presents except a day's allowance of bread and wine. One clause deals with the escheators. 'Good' escheators are to be appointed, who are to have free administration of the estates of the defunct, 'until they have done

¹ Maitland, *Pleas of the Crown for the County of Gloucester*, Introd., p. xxx, remarked that it was this severe winter which secured the final adoption of the principle that misadventure is not murder. The famine of this year will explain many of the *vi et armis* cases in the Assize Rolls, and is of considerable importance in the social history of these years. It may also account for the mandates sent to the sheriff of Sussex (Close, 42 Hen. III, m. 15 d.) bidding him take precautions against vagrant robbers, and a somewhat similar mandate to the sheriff of Surrey (Close, 43 Hen. III, m. 12 d.) commanding men to be chosen in each hundred for the preservation of peace 'against the malefactors who are committing robberies and homicides' in the county.

the king's will, if the estate owe him debts', but are not to help themselves to any of his effects.¹

Of capital importance is the first article of the Provisions, which gives directions for the holding of an inquisition of administrative grievances. Four discreet and law-worthy knights were to be elected from each county, who, on the day when county court was held, were to meet for the purpose of hearing complaints against local officers and of making attachments arising out of such complaints, which were to be dealt with by the Chief Justiciar on his first arrival in the neighbourhood. All complaints and attachments were to be enrolled in due order, hundred by hundred, so that the Justiciar on his coming could hear and terminate them one by one on days fixed by him for the hearing, on which the hundredors were to produce plaintiffs and defendants and the requisite juries. A writ of inquisition for the county of Hertford is preserved both in the *Annals of Burton*² and in the *St. Albans Additamenta*.³ The knights are to find out by means of the sworn inquest details 'of all excesses, transgressions and wrongs through whatsoever persons upon whomsoever committed in times past' in their counties. The whole range of officials, therefore, from the king's Justice down to the humblest seignorial bailiff, was to have its conduct investigated, and the time limit, 'the past', was intentionally vague. The returns of the inquest were to be brought to Westminster in September by the knights in person 'to be delivered to our council'. A list of the personnel of the knights is given in the Patent Roll under 4 August 1258.⁴ In the majority of cases the prospective baronial sheriff of 1258-1259 or 1259-1260 is on the panel. Yorkshire has six inquisitors, presumably because of its size.⁵ In the case of Shropshire

¹ Mr. Luard's translation of this article (*Ann. Burton*, p. 505, *S. C.*, p. 386): 'Also that the escheators have free administration of the goods of the defunct' (*Mes ke les eschaeturs, &c.*) does not quite bring out the intended contrast between *prengent* and *franche administraciun*.

² p. 456.

³ *Additamenta* (*Chron. maj.* vi), p. 397.

⁴ *C. P. R.* 1247-1258, 645-9.

⁵ The appointment of four knights per county and of six for Yorkshire recalls Bracton's *busones*, 'four or six or more of the greater men of the county', f. 115 b. Cf. W. C. Bolland, *Eyre of Kent* (*S. S.*), pp. xxvii-xxx, and W. S. Holdsworth, *History of English Law*, 3rd ed., i. 268.

three of the elected knights are changed, because Peter de Montfort sends word that they are not efficient.¹ Two of the Devonshire knights drop out through illness, whereupon the sheriff of Devon asks the Justiciar and Chancellor if he is to substitute others, and gets an assent.² The juries which were to appear before the Inquisitors were to be summoned by the sheriffs of the counties when the knights had taken the oath to hold the inquest justly and faithfully. An interesting clause saves the dignity of the present sheriff:

'We do not however wish that our sheriff of your county now at present in office should be included in the inquisition (*sub inquisitione comprehendendi*) unless perchance he himself was sheriff of the said county in times past, when in his case as much as in that of others we would that inquisition concerning his time of office be made.'³

There were, as will be shown, a number of sheriffs in this position. Finally the provision guards against the bringing up again of old cases settled by royal justices or by the 'just judgment of our court'.

Of all the returns to the Inquisition only one survives, a return for the Ely Hundred of Loes (Suffolk) held by the Earl Marshal, which was found by Miss H. M. Cam⁴ among the fragments of Hundred Rolls in the Public Record Office.⁵ It is in typically miscellaneous company, for the little collection includes a *de ministris* roll later than 1276,⁶ fragments of the 1255 Inquisition,⁷ and some inquest returns of the time of Edward II—one a curious little fragment from the London

¹ *C. P. R.* 1247-1258, 647.

² Ancient Correspondence, vi. 179. Cf. *C. P. R.* 1247-1258, 648.

³ *C. P. R.*, loc. cit.

⁴ The comparison of the questions asked in Suffolk with the specimen list in the *Liber Additamentorum* puts the identification beyond doubt.

⁵ Fragments of Hundred Rolls (Extracts), Box 8, no. 5 (9); Cam, op. cit., p. 14. The fragment is transcribed in Appendix I. The other returns which were preserved 'in the great iron-bound coffer' (Palgrave, *Kalendars of the Exchequer*, i. 97, no. 56) have been lost. I gratefully acknowledge the assistance given me by Miss Cam in connexion with this fragment.

⁶ Box 8, no. 4. Eleven membranes, covering Norfolk, Suffolk, Essex, Hertfordshire, Dorset, and Northumberland.

⁷ *Ibid.*, no. 5 (1)-(7), some of them Buckinghamshire returns, are probably to be thus dated.

parishes of St. Clement and Broalard.¹ The fragments of Hundred Rolls were probably kept in the Ragman Bag,² in which was preserved another document with which we shall deal later on—the list of the lands of rebels granted away to loyal subjects. The miscellaneous rolls kept there include also some returns of Kirkby's Quest.

The Loes return gives the questions asked, though naturally in a somewhat abbreviated form ; they are to be found in full in the *Liber Additamentorum*,³ the text of which gives several more than are mentioned in the return. The discrepancy may easily be accounted for if we suppose that the questions omitted from the return were amongst those to which a negative answer was made. The form taken by this Inquisition was probably dictated by precedent. It would be natural to recur to the first well-known example of an administrative inquiry, Henry II's Inquests of Sheriffs,⁴ when the questions were asked by baronies. Since then the chief weapon against local misgovernment had been the judicial Eyre, the chapters of which had been gradually growing in number and comprehensiveness. The original method of inquiry and presentation in answer to the *capitula* had prescribed the election of four knights of the county who were to elect two knights from every hundred or wapentake, and

¹ Ibid., no. 5 (10). The reference on m. 1 to 'domini H. Regis avi domini Regis nunc' dates it.

² For its contents see *Ninth Report of the Deputy Keeper of the Public Records*, Appendix II, no. 4, p. 243. Miss Cam, op. cit., p. 41, has shown that 'Ragman' was the name given to the inquests held at the Special Eyres of 1274-1275, resulting in the returns now known as the Hundred Rolls. See, however, C. Brinckmann in *Zeitschr. d. Savigny-Stiftung (Germ. Abt.)*, xlv, 336.

³ p. 397, headed 'De Inquisitionibus super ballivos faciendis et alios transgressores.' Also printed in H. Hall, *Formula Book of Legal Records*, p. 161.

⁴ The name is itself a little misleading in view of the very wide scope of the inquiries. East Anglian fragments of the returns, printed in *R. B. E.* ii, cclxvii-cclxxxi (cf. their identification as such by Dr. J. H. Round in *The Commune of London*, ch. vi) in accordance with the second article of the Inquiry (printed *S. C.*, p. 176), are specially concerned with payments made to feudal lords. Professor James Tait has published the return of payments made by the City of Worcester in *E. H. R.* xxxix. 80-3. The complaint of Worcester that its vessels going to Bristol and Ireland had to pay unjust customs as they passed Gloucester is an indication that the inquest was not confined to the misdeeds of *ministri*.

that these two were to elect ten others of their rank or ten freemen in each hundred to present the local grievances. In the present case the four knights of the county must have sent to the two 'foremen of the jury' knights in each hundred and wapentake the list of questions to be asked, and the local knights must then have heard the complaints and brought them before the four in the county court, where the enrolment and necessary attachments were made in preparation for the visit of the Justiciar. The procedure was thus substantially the same as in 1194-1195,¹ but here was now a special Inquest and visitation devoted almost entirely to local misgovernment. At least sixteen of the chapters of the 1254 Eyre had been concerned with the subject,² but the general Eyre had other things to consider besides the misdoings of officials. One might well say that it was the inquiry of 1255 which established the precedent of a special Eyre given up to one set of questions only (with the natural exception of the final clause of that inquest of royal rights),³ were it not for the existence among the Hundred Rolls for Suffolk⁴ of a return, in a hand differing from and earlier than those of the 1274 series, entitled *Presentacio militum de Sandford et in primis de villa de Kirketune*, which deals almost entirely with the misdeeds of officials.⁵ The reference to *Robertus Savage* (Robert le Sauvage), 'vicecomes qui modo est',⁶ dates the fragment between 1249 and 1255, and that to 'the coming of William le Bretun and William of Axemue (Axmouthe)'⁷ to some year shortly after 1251, the date at which the two justices came to Suffolk.⁸ Their appointment on a com-

¹ The form of procedure is given (from Hoveden) in H. Hall, *Formula Book of Legal Records*, p. 193.

² Cam, op. cit., p. 24. Cf. *Annals of Burton*, p. 332, for the articles of inquiry at Lichfield.

³ *Ann. Burton*, p. 339. 'Item de vicecomitibus et hundredariis et aliis ballivis, si aliquem malefactorem receptaverint vel consenserint, vel aliquid ceperint pro huiusmodi.' The burden of the questions concerns, of course, royal liberties and rights.

⁴ Printed *R. H.* ii, 174-8.
⁵ The only two questions not dealing with administrative abuses which appear to have been asked were about the *Terrae Normannorum* (175 b) and the holders of franchises within the hundred (177 b). ⁶ P. 177 a.

⁷ 177 b. Presentation by the 'whole hundred of Sandford' (Sampford).

⁸ *C. Inq. Misc.* i, 44. They were in Suffolk during Lent, 1251.

mission 'to make inquisition touching certain trespasses committed in the realm' is dated 21 October 1249,¹ and in January 1252 they seem to be still at work, for they are bidden by letters patent not to make any inquisition on Henry de Colevill or his bailiffs for any offences while he was sheriff of Cambridge and Huntingdon.² In November 1252 William de Axemue is reappointed together with a certain James Fresel to make similar inquiries to those mentioned in the commission of 1249,³ from which one may conjecture that William le Bretun had ceased to act. This fragment may therefore be tentatively dated 1251 (summer) - 1252 (autumn), and it is probably the record of presentments taken before two justices who were engaged in the special business of hearing grievances against officials.⁴ 1258 follows this precedent, and the questions then asked are, as far as we can gather from the answers, not dissimilar to those put at the Suffolk inquiry, so that there is some reason to wonder if the same set may not have been used. At any rate the 1170 inquest, the various inquiries made between 1250 and 1256, the chapters of the Eyre of 1254, and the experience of the Exchequer barons,⁵ must together have gone to the making

¹ *C. P. R. 1247-1258*, 51. Sheriffs were to summon juries within and without liberties to meet them.

² *Ibid.*, 125. Colevill was sheriff from 11 May 1249 till Oct. 1251.

³ *Ibid.*, 163.

⁴ It is to be noticed that the Patent Rolls for 1254 and 1255 contain several references to inquiries into the conduct of sheriffs and bailiffs. In 1254 John de Lexington, Nicholas de Stutevill, and Thomas de Bella Aqua had to conduct an inquiry into the offences of the sheriff of York, William de Horsenden, and his staff. *C. P. R. 1247-1258*, p. 372. In 1253 there was a somewhat similar tribunal appointed to inquire into the conduct of Alan la Zuche, justice of Chester, and his bailiffs. *Ibid.*, p. 171. In 1255 the Abbot of Pershore and William de Wilton had to investigate the misdeeds of Richard le Vavasour (former sheriff of Notts. and Derby) and household, p. 432, cf. p. 430. Whether there was a special list of articles already in being for such cases as these it is hard to say. There seems to have been some ground for Matthew Paris' complaint in 1253 (*Chron. maj.*, v. 370) that 'vicecomites . . . et regales ministeriales causis fictitiis quoscunque poterant depauperare, immo potius deprædari, studuerunt, peccata minime formidantes. Erantque iam multi reges in Anglia rapinis insistentes, quos nominare periculosum arbitror et tædiosum'. For his story of the crime of the sheriff of Northampton cf. *Chron. maj.* v. 377-81.

⁵ Whose discontent with defaulting sheriffs can be seen from *Chron. maj.* v. 588-9.

of the questions, while 1255 furnished a recent precedent for a special Eyre of inquiry devoted to one purpose. By comparing the administrative chapters of 1254 with the articles of 1258 we may see what has been added and what changed. The former deal exclusively with the sheriff; the latter constitute a general inquiry into all county and local officials, royal and seignorial alike. A broad distinction between the two would be that, whereas in 1254 (as in the inquest of 1255) it is the Crown's interest which has to be safeguarded, in 1258 it is the rights of the small tenant. This should not lead to the belief that the object of the called inquest was purely to succour the oppressed. There are fines to be extracted, information about royal rights to be gleaned; yet, when we have taken the financial aspect of justice into account, it still remains that the inquest of 1258 is inspired by motives different to those of the ordinary Eyre. Some have thought that it was a mere bid for popularity on the part of the baronial party; but the way in which the party attempted to follow it up seems to show that it was a sincere attempt to get information on which action could be taken; action as much in the interest of the subject as in that of the king.

The Loes fragment of 1258 differs from the returns to the inquiries made in 1251-1252, 1255 and 1274 in a further interesting particular. In the margin against the words of the twelve *juratores* are recorded, in several instances, the appearance and defence of the accused bailiff, '*venit et ponit se*' or '*venit et defendit quod non cepit etc.*'; in one case the bailiff is acquitted, in another case he claims that the plea against him is manifestly false—the man who is said to have bribed him to avoid being put in prison was in prison already. In a third a bailiff is acquitted of sixteen separate charges; in a fourth, a coroner is convicted and sent to gaol. Even against the presentation of so great a man as Philip Basset the words *veniet* and *pro rege* are jotted in small letters in the margin—perhaps a comment of the Exchequer, for Philip has trespassed upon royal rights. The bulk of the marginal notes may be the jotting of a clerk of the Justiciar or of some other judge sent out to hear the pleas of the inquest, but the

handwriting of these notes and that of Bigod's rolls for 1258 and 1259 do not tally, though the comparison is a very uncertain test. At all events one of the chief interests of this fragment lies in the fact that some indication of the fate of accused persons is given, even if it is only a 'loquendum' (*cum domino rege*) in the margin; and, although the returns of the inquest itself have been lost, we still possess its equal on the records of the Justiciar's 'first coming' spoken of in the Provisions of Oxford, in the form of a few precious Assize Rolls.

It is a little difficult to group the questions asked about the sheriffs and other officials; practically every activity of theirs was in some way or other a fiscal activity, and all abuses of such activities constitute extortions in money or in kind. For the sake of convenience, however, it will be best to subdivide them into extortions in connexion with (1) police functions, (2) judicial functions, and (3) suspected extortions, e.g. *captiones* of different kinds, *novae consuetudines*, &c., which were so much dreaded. The fourth and last section will deal with coroners, escheators, and money-changers.

1. *Questions relating to extortion in connexion with police functions.*

i. What sums have they taken not to arrest persons guilty of felony? ¹

Quid et quantum ceperint ne caperent homines pro feloniam vel alia transgressione facta contra pacem domini regis.

Five different officials are presented; they had taken sums varying from 18*d.* to 20*s.* to conceal small thefts. Marginal

¹ The English version gives the question as put to the Hundred of Loes. The Latin version gives the same question as recorded in the *Additamenta* of Matthew Paris, which often explains the very abbreviated version given in the Loes return. The questions to which no reply was given have been marked with an asterisk. The order of the questions in the MS. has been slightly altered here for the sake of clearness. These pages should be read with Appendix I. The Loes return has at the beginning no list of sheriffs or *ministri* such as is prescribed by the instructions in the *Additamenta*: 'Dicant qui fuerint vicecomites, subvicomites, servientes itinerantes, servientes hundredorum, bedelli, subbedelli, et per quantum temporis steterint in ballivis suis et quid et quantum et a quibus predicti ceperint a quocunque et quacunque de causa.'

notes show that two had since died, one claimed an alibi, and a fourth was quit because he was 'lagmundus'—had cleared himself by oath helpers.¹

ii. What sums have they taken for setting free such men after capture?

Que et quanta ceperint pro deliberatione captorum² vel pro aliquo alio concelamento contra pacem domini regis.

The bailiff of Hoxne is cited as having unjustly charged a man, put him in prison, and taken half a mark for letting him out.

iii. Concerning sheriffs and their bailiffs. What sums have they taken at the time of gaol delivery, &c.?*

De vicecomitibus et eorum bedellis et de ballivis liberatum et de omnibus ballivis quicunque fuerint, quid et quantum ceperint occasione deliberationis galonis³ vel occasione ponendi vel amovendi aliquem vel aliquos summonitos ad veniendum coram talibus Iusticiariis, vel quid et quantum ceperint in eisdem ad differendum in laboribus expensis.

2. *Questions relating to extortions in connexion with their judicial function.*

a. *The procedure of the Writ.*

iv. What sums have they taken for expediting or delaying the king's commands?

Que et quanta ceperint et a quibus pro placitis differendis et similiter properandis. Item que et quanta ceperint pro preceptis domini regis exequendis et quid et quantum pro preceptis domini regis retardandis.

Three cases are given which show that the sums that passed varied from a mark to twenty shillings, e. g. 'Samson the bailiff took 15 shillings from Gilbert the goldsmith and his brothers for giving him seisin of his land at the command of the lord king.' One of the bailiffs is acquitted.

¹ Probably 'mundus per legem' as in the Constitutions of Clarendon. Professor Powicke kindly suggests to me this explanation. It might, however, be the A.-S. 'Leumund', 'protected by his lord against false accusation'; cf. Liebermann, *Gesetze d. Angelsachsen*, ii. 2, 569.

² The fragment has *talium captorum*.

³ Obviously for *gaiolae* or *gaiolarum*.

v. Have any sheriffs or their clerks maliciously kept back the writs of the king? *¹

b. *The county court.*

vi. Have any been bribed to delay pleas? *

Qui corrupti munere gratia, odio vel favore loquelam vel iudicium posuerint in respectum ad dampnum petentis vel tenentis.

vii. What sums have they taken to permit men to escape jury-service? *

Que et quantum ceperint pro iuratoribus terrarum vel visoribus terrarum ne essent visores et in assisis iuratores.

c. *Amercements and distraint.*

viii. How often, and on whose Eyre, have they taken amercements? *

Somewhat differently: Quotiens vel quanta ceperint amerciamentorum fines ab illis qui amerciati fuerunt coram quibuscunque iusticiariis, et ea ad scaccarium non reddiderunt.²

ix. In what kind, to what degree, how often, and from whom have they taken amercements, &c.? *

Quid et quantum quotiens et a quibus, ceperint pecuniam ultra id quod amerciati fuerint in itinere iusticiariorum.³

x. How much have they taken of the chattels of outlawed persons, &c.? *

Que et quanta ceperint de catallis utlagatorum.

xi. What and how much have they taken from those who ought to have been newly made knights? *⁴

Quid et quantum ceperint de his qui novi milites esse deberent ad certum terminum per preceptum domini regis pro eo quod non distringerentur.

¹ Matthew Paris has no exact equivalent—but possibly the ‘pro preceptis domini regis retardandis’ covers the case. Clearly what is referred to is the refusal to serve the writ on certain persons.

² Cases of this kind often come before the Exchequer Court of Pleas.

³ This version is essential, as it explains that these were amercements over and above the sums fixed by the justices.

⁴ A reference to the 1256 distraint of knighthood upon all holders of fifteen librates or more of land, returns for which are in P. R. O. Chancery Miscellanea 1/1.

xii. Has any live-stock been taken and unjustly withheld from the owners?

De averiis cuiuscunque captis iniuste et contra iustitiam detentis ad dampnum illius cuius averia fuerunt et de redemptionibus captis pro eisdem averiis deliberandis.

There are six presentments, involving loss of sums varying from 11*d.* to six shillings. The clause evidently refers to cases of unjust distraint.

3. *Other suspected extortions.*

The hundreds are asked to say what they know about :

xiii. Domains of the king alienated without warrant ; and concerning hundreds alienated and customs withheld.

And :

xiv. Liberties which ought to belong to the lord king concealed or withdrawn.

De dominiis domini regis alienatis in terris, redditibus, servitiis, advocacionibus ecclesiarum, in portibus maris, hundredis alienatis sine warranto, consuetudinibus subtractis vel concealatis in terra vel in mari, tam in civitatibus, burgis quam alibi, que omnia domini Regis esse deberent. Quis vel qui eas subtraxerint vel concealaverint ; a quo tempore vel quis vel qui hec predicta teneant, et quantum valeant per annum.

In answer to xiii Philip Basset is presented for having withdrawn and concealed certain royal dues of his men at Charsfield in the market at Woodbridge which belongs to the king's borough of Ipswich two years now past. As regards xiv, one presentation is given of a certain man who has usurped fishing rights. The marginal note of *pro rege* is made against both cases.

xv. The lands of Normans.*

Escheats and wards.*

Et similiter fiat inquisitio de terris Normannorum et aliorum qui non sunt ad fidem domini Regis, et escaetis et wardis quibuscunque ad dominum regem pertinentibus.

xvi. Moneys taken and prises in fairs, counties, boroughs, townships, ports, and anywhere else.

This, the first question in the inquest, is perhaps represented by *Qui captores vel emptores fecerint prisas ad opus domini regis vel de pannis vel de cera, alluta, peletria, et aliis cuiuscunque huiusmodi. Item de cuius modi rebus fecerint prisas, et de quibus, ad quorum opus et quantum.*

Five answers show that the sheriff took the prises nominally for the king's profit, in reality for himself. The prises seem to have been taken in kind, wheat, straw, &c.

xvii. All measures, corn, &c.*

De mensuris omnibus, blado, galonibus, ulnis, ponderibus non rectis quis vel qui illas habuerint, vel quis vel qui per maiores mensuras emerint et per minores vendiderint tam infra libertates quam extra, in civitatibus, burgis, portubus et alibi ubicunque.

xviii. Charters fraudulently drawn up by agency of the Jews.*

De cartis confectis malitiose per Iudaeos.

4. *Coroners, escheators, &c.*

xix. Concerning coroners and their clerks and serving-men, what and how much they have taken.

Item de coronatoribus et eorum clericis et servientibus, quid et quantum ceperint de catallis fugitivorum et aliorum, occasione officii sui, que catalla domini regis esse deberent vel alicuius alterius de iure; et quid et quantum ceperint pro officiis suis exequendis.

Nine presentments are given. The normal form is that e. g. Geoffrey the coroner or Stephen his clerk charged 2 or 3 shillings for going to see a dead body or for 'doing his duty' in some other form.¹

xx. Concerning escheators, what and how much they have taken from wards, &c.

Item de excaetoribus, quid et quantum ceperint de wardis,

¹ In the earlier fragment for Sampford the coroner's action in sending his clerk instead of coming himself to view a dead body was presented *R. H.* ii, 174 b. 'Herewardus dil (del) Perer (Perers) moriebatur et Stephanus clericus Coronatoris ibi venit et Coronator nen.' Similarly p. 176 b.

excaetis, saisinis factis de terris cuiuscunque et quacunque de causa, vel ad opus domini regis vel ad opus proprium vel aliorum. Scribatur particulariter et distincte quid et quantum ceperint per se.

Two presentments are made: in the one, Geoffrey de Baddeley (who seems to have been coroner as well) took 20 shillings from the land of master Robert de Anguis, when it was in the king's hand for the king's own use.¹ In the other, Samson the bailiff 'took for his own purposes a mark from the land of Ralph de Anguis while Ralph was still alive, alleging that the king "had seisin of the land"'.² A little marginal note shows that Samson admitted the charge, but stated that he paid the money into the Exchequer, a fact which he would ask the barons to verify.

xxi. Concerning false moneyers, money-clippers, and ex-changers.

Item de Christianis usurariis et falsariis et tonsoribus monete et excambiatoribus contra assisam.

The last group (*excambiatores contra assisam*) is the subject of the presentment. Certain men of one hundred had gone, some to London, some to Canterbury, exchanged the old currency for the new, and on coming back to the hundred exchanged the new for the old again, a process by which they evidently calculated to profit. The reference to Christian usurers may be an echo of c. 26 in the Petition of the Barons where the Lombards (*Caorsini*) were particularly singled out; or men like the twelfth-century usurer, William Cade, may be meant, though the reference is probably to people of less dignity and standing.³

Near the end of the inquiry the four knights evidently

¹ Cf. Provisions of Oxford, 'E ke il ne prengent rens des bens as morz, de queles teres deivent estre en la main le rei.'

² 'Causa seysine domini Regis.' The only possible meaning is that Samson seized the land into the king's hand before Ralph de Anguis was dead.

³ Other cases are difficult to discover; that a certain William Fitz-Richard, citizen of London, was owed considerable sums by some of the principal magnates in the country appears from Exch. Plea Roll, I e., m. 1 d., where thirteen separate summons are sent out from the Exchequer at the suit of his Executors. Fitz-Richard might be worth pursuing further.

remembered that the inquest has to embrace all officials—seignorial as well as royal. For the scribe began to write as usual *de hoc capitulo*: then, apparently realizing that he had reached a natural division in the inquiry, he suddenly stopped, and before he began the last three questions (given above) on coroners, escheators, and money-changers, rounded off the section dealing with sheriffs and bailiffs with the words,¹ 'All these things must be inquired concerning all bailiffs of whatever position they may be (*tam maioribus, mediocribus et minoribus*) and their servants both within franchises and without, and concerning all sheriffs' bailiffs.' He then copied down a long list of presentations for two offences, relating to special officers or duties. These deal with the exactions of a bailiff, Robert de Doinges: in thirteen villages he is alleged to have taken two shillings annually at the time when the pledges came to be renewed to allow one man to answer for the whole tithing; before his time, the villagers remark, they had given nothing to be allowed this privilege. There are four further complaints against Robert for exacting amercements against brewers and bakers in the inquisition termed 'le bortreming'. *Bortreming* or *bortremium* is the peculiar Suffolk term for frank-pledge,² and the 'inquisition of le bortreming' is clearly the *visus franciplegii*. The word 'Quietus' written in the margin shows that Robert was not convicted.

On the whole this is not a list of serious offences. The most numerous presentations are of cases where the bailiff has taken money for hastening or delaying the operation of justice, where he has been bribed by felons not to arrest them, and where he has wrongfully resorted to distraining villagers by seizing their beasts and exacting sums for their release. Far the greatest number of presentments for one offence, if

¹ Professor Powicke kindly suggested to me this explanation of the division of the document.

² N. Neilson, *Customary Rents*, p. 172, in *Oxford Studies in Social and Legal History*, vol. ii; see also *R. H.* ii. 188 (*Hundredum de Lose*). The articles used in the bortreming by the Abbey of St. Edmund are given by Miss H. M. Cam in *E. H. R.* xxxvii. 244-7. For the representation of pledges by the headman cf. W. A. Morris, *View of Frankpledge*, pp. 123, 128.

offence it may be called, relates to the exaction of *capitagium* or *chevage*¹ at the view of frank-pledge. The coroner also has been making a little out of his office, as well he might be tempted to do, since it carried little remuneration.² But there is no instance of defamation when the bailiff imposes a charge of felony upon a man and amerces him accordingly; nor is there any bailiff so consistently presented for his misdeeds as William Testepin is for his misdeeds, in the return for 1251-1252. Possibly the influence of the Earl Marshal in the hundred prevented excessive distraint or irritating exactions upon the part of officials, royal or seignorial.³ In default of other returns it will be best to follow the Justiciar on the tour which the Provisions of Oxford had prescribed so as to gain by the aid of his assize rolls some knowledge, however slight, of the conditions which the baronial party tried to remedy.

¹ For this, cf. Maitland, *Select Pleas in Manorial Courts* (S. S.), xxx, xxxi.

² C. Gross, *Select Coroners Rolls* (S. S.), xxxi, n. 4, refers to the payment of a penny to the coroner by each venue, and to a levy of corn for his sustenance, but he quotes no reference to any emolument earlier than 35 Ed. I. In 1250, however, we hear of a certain Thomas de Stratton holding lands in Northumberland by serjeanty of being coroner: *Book of Fees*, ii, 1192. The Northumberland serjeanty (on which cf. J. H. Round, *The King's Serjeants*, p. 45) might be connected with the more primitive services of Sewall FitzHenry in 1198: *Book of Fees*, i, 5.

³ For the Earl Marshal's position see *R. H.* ii, 188 a. 'Dicunt quod Prior de Ely feoffatur ab antiquo per Reges de quinque hundredis et dimidio in comitatu Suffolchie de quibus comes Marescallus tenet Lose unum predictorum hundredorum et habet in eodem assisam panis et cerevisie et aliarum mensurarum. Item comes Marescallus nuper defunctus (that is, Roger Bigod) appropriavit sibi in curia de Ho attachiamenta et placita de forinseco hundredo de Lose que debent et solent placitari in hundredo prioris, et ballivi comitis Marescalli nunc faciunt similiter.'

CHAPTER II

HUGH BIGOD IN THE COUNTIES

BEFORE we can examine in any detail the cases heard by the Justiciar during 1258 and 1259, some classification of his records is necessary.

Hugh Bigod's rolls are numbered and described in the Public Record Office List of Plea Rolls (List and Indexes) as follows (in chronological order) :

Assize Roll 1187	Oxford, Hants, Essex, Berks., Surrey, Kent, Middlesex, Northants., Bucks., Derby, Notts., Rutland, Lincs., Wilts.	42-43 Hen. III	Placita et Assise coram H. le Bigod et aliis.
„ „ 873	Surrey	43 Hen. III	Assise et Iuratae coram H. le Bygod.
„ „ 362	Kent	43 Hen. III	Placita de Assisis, Iuratis et Querelis coram H. le Bygod et Egidio de Erdington. Placita coronae. Deliberatio Gaole de Guildford.
„ „ 1188	Glouc., Oxf., Berks., Hants, Bucks., Bedf., Hunt., Camb., Herts.	43 Hen. III	Assisae et Iuratae coram H. le Bygod.
„ „ 236A	Essex	44 Hen. III	Placita de Assisis et Querelis coram Hugone le Bigod.
„ „ 1189	Essex, Kent	44 Hen. III	Placita de Iuratis et Assisis et querelis coram H. le Bygod. Placita coronae.

These rolls are of two types: nos. 873, 362, and 236 A, record proceedings in single counties; nos. 1187-8-9 are circuit rolls, each recording pleas of various kinds in a group of shires. For the sake of convenience we might term these 'county' and 'county-group' rolls respectively. The latter type of composite roll seems to have made its appearance in the reign of John, for which, however, only one example is extant.¹ It became more frequent towards the middle of the thirteenth century, and after 1250 or thereabouts we have a fairly continuous series. The nucleus of this great division running from no. 1171 to no. 1551 in the tantalizingly varied class of 'Eyre Rolls, Assize Rolls, &c.' in the Public Record Office is the Assize Roll proper, the record of real property actions heard under special commissions.² In it are actions heard at odd times in different parts of the country during the course of one,³ two,⁴ or more years;⁵ and in it very naturally too are to be found juries of inquest upon disputed points of tenure, ambiguities that have arisen in cases at the bench or *coram rege*, or upon felonies of various kinds.⁶ Such a roll

¹ A. R. 1171, Simon de Pateshull's roll for Dorset, Somerset, and Cornwall.

² 'In a classification of plea rolls the rolls of cases heard under these special commissions should form a separate class as Assize Rolls.' *Bracton's Notebook*, i, Introd., p. 54.

³ e. g. A. R. 1174, 1181, 1192.

⁴ e. g. A. R. 1197, 1205, 1214.

⁵ e. g. A. R. 1176, the *rotulus magne assise*; 1179, 1191, 1194.

⁶ A. R. 1191, the roll of Nicholas de Turri covering the years 1260-1265, is a useful example. It includes assizes in sixteen counties heard at different dates, but not the pleas of the Eyre: for when in 1261 Nicholas was sent as a Justice in Eyre to Cambridgeshire the pleas of the Eyre for that county were recorded by him on the county roll A. R. 82; the pleas of his Eyre in Huntingdonshire are on A. R. 343; in Northants on A. R. 616; in Hertfordshire on A. R. 322; and in Kent on A. R. 363, all single county rolls. The present county-group roll was kept for assizes and inquests heard under commission. Thus on mm. 3-7 d. are recorded the inquests and assizes upon the depredations on Bishop Peter d'Aigueblanche's parks and warrens in Herefordshire ('inquisitiones et assise de transgressionibus factis episcopo Herefordensi in civitate Hereford' parcis warennis et liberis chaciis'), the commission being in *C. P. R.* 1258-1266, 232. Mm. 8-13 contain various assizes of different dates each headed 'Assisa capta apud X [date] coram N. de Turri et Y ^{quos} } secum associavit.' A local magnate is invariably _{quem} associated with the justice. For a printed specimen see *Somerset Pleas* (*Somerset Record Soc.*, vol. xi), pp. 388-424 (part of A. R. 1178) and pp. 424-56 (part of no. 1182).

may not stick wholly to assizes and inquests, but may also contain other *placita* of various types, adjourned or in the first instance—actions for withdrawal of suit or service, pleas of dower and inheritance, trespasses of different sorts, and often a membrane or two of gaol delivery. The labels *Assise et iurate* or *Placita et assise* cover such a multitude of business that the only generalization about these 'county-group' rolls of the last twenty years of Henry III's reign which we can make with any confidence is that they are not rolls of the General Eyre. For the Eyre records we must look to the county rolls of the period, for at any rate in the group numbered A.R. 1171 to A.R. 1218b we shall search in vain for presentments, hundred by hundred, in reply to the *capitula*. We may, however, find the record of *special* Eyres of investigation, as in the case of A.R. 1189 and probably A.R. 1207, where a couple of county rolls appear to have been joined together to form a single one, the other copies of these rolls (for at least two seem generally to have been made) remaining separate. Among the 'county-group rolls' are also to be found pleas heard before the king sitting with his justice¹ and forensic pleas (of various counties) heard by the judges at one place.² So heterogeneous are these records, so arbitrary in some cases the filing of the membranes, that only careful individual examination will produce conclusions of any value.

In what precise relation do the cases and business on the Justiciar's rolls stand to the Provisions of Oxford? Are they in any way connected with the Inquest and his remedial Eyre prescribed therein?

The adjoining table³ gives the localities which the Justiciar visited, and the descriptions of the cases heard there as they occur in the headings to the membranes of his rolls. The reader will at once be struck by the number of *Querelae* or complaints that figure. The headings generally summarize the character of the business pretty accurately, but often under *Assise* or *Placita* a number of complaints will also be found included introduced by the words *X queritur de Y quod*, &c.,

¹ A. R. 1201. We have a case in Hugh Bigod's roll, 1187, m. 7 d.

² A. R. 1183, 1195, 1203.

³ See next page.

THE JUSTICIAR ON TOUR, 1258-1259

Owing to the irregular way in which the entries have sometimes been made the pleas are given in chronological order, not as they occur on the membranes. In the right-hand column are the descriptive headings entered by the clerk. All the business recorded here is expressly stated to have come before the Justiciar, 'coram Hugone le Bygod' or 'le Bigod' [Iusticiario Anglie]'. For his colleagues, see p. 41, note.

Abbreviations: A. = Assise. P. C. = Placita Corone. I. = Inquisitions.
J. = Jurate. D. G. = Gaol Delivery. E. = Essoins.
Q. = Querele. Pr. = Presentments.

<i>Roll.</i>	<i>Membrane.</i>	<i>Place.</i>	<i>Date.</i>	<i>Business.</i>
1258 A.R. 1187	1	Oxford	16 June	P.
"	1, 2	Winchester	1 July	P.
"	2 d.	Alton	14 July	
"	2 d., 3	White Waltham (Berks.)	18 July	P. C.
"	27, 27 d.	Northampton	28 July ¹	A. & P.
"	1 d., 4 d., 5	Stratford	7 Aug.	A. & J.
"	4, 6	Bermondsey	9 Aug.	P.
"	6, 7	Greenwich	10 Aug.	A. & J.
"	6 d.	Clerkenwell	12 Aug.	A.
"	8, 8 d.	Hustings, London	12 Aug. ¹	A.
"	7 d.	Woodstock (with the king)	16 Aug.	P. ²
"	11, 12	Woodstock	20 Aug.	A. & J.
"	13	Dodford	22 Aug.	A. & J.
"	13	Northampton	23 Aug.	A.
"	11 d., 13 d., 14	Northampton	25 Aug.	A. & J.
"	14 d.	Northampton	26 Aug.	D. G.
"	15	King's Cliffe	28 Aug.	P.
"	15	Oakham	1 Sept.	A. & I.
"	15 d.	Oakham	1 Sept.	D. G.
"	15 d., 16, 16 d., 17, 18, 18 d.	Nottingham	4 Sept.	A. & J.
"	14, 14 d., 18, 18 d	Sandiacre	6 Sept.	J. & A.
"	17 d., 19	Southwell	10 Sept.	A. & J.
"	28, 28 d.	Grimsby	11 Sept.	P. ³

¹ 'Assise capte apud Norht' Die dominica proxima post festum Sancti Iacobi apostoli, coram H. le Bigod Iustic' Anglie, anno xlij.'

² 'Placita coram Domino Rege in crastino Assumptionis Beate Marie apud Wudestok' anno xlij.'

³ These are complaints, but no mention of Bigod occurs on the membrane, which may belong to another roll. The date supports this suggestion.

	<i>Roll.</i>	<i>Membrane.</i>	<i>Place.</i>	<i>Date.</i>	<i>Business.</i>
1258 A. R.	1187	20, 21, 21 d., 22, 23	Lincoln	13 Sept.	J. & A.
	"	20 d., 21 d., 23 d.	Stamford	18 Sept.	J. & A.
	"	24, 25	Northampton	21 Sept.	A. & J.
	"	24 d., 26	Clarendon	30 Sept.	J. & A.
	"	25 d.	Oxford	n. d.	I. & J.
<hr/>					
	873	I	Bermondsey	21 Nov.	A. & J. ¹
	873	4	Bermondsey	21 Nov.	Pr. ¹
	362	15, 16	Bermondsey	21 Nov.	D. G. ²
	"	16	Bermondsey	15 Dec.	E. ³
	1187	8 d., 9, 9 d.	Hustings, London	17 Dec.	P.
	"	10	Tower of London	29 Dec.	P.
1259	362	I	Canterbury	12 Jan.	P. A. & Q. ⁴
	"	16	Canterbury	14 Jan.	E.
	"	15 d.	Canterbury	23 Jan.	D. G.
	1188	3 d.	Lechlade	n. d. [April]	J. & A. ⁵
	"	4	Hundreds of Cheltenham and Slaughter, Liberty of Fécamp. ⁶	n. d. [April]	no heading
	"	4, 4 d., 5	Oxford	23 April	A. & J. & Q.
	362	16	Oxford	23 April	E.
	"	16	Reading	25 April	E.
	1188	4 d., 5 d., 6	Reading	25 April	A. & J.
	"	7	Reading	26 April	
	"	8-11	Winchester	23 May	A. & J. Q.
	"	12-14	Newport Pagnell	1 June 5 June	Pr. ⁷ A. J. & Q.

¹ Surrey pleas and presentations under the Inquest of 1258.

² *Deliberatio Gaole de Geldeford* apud Bermundes' coram H. le Bygod Justic' Anglie et Egidio de Erdington' in crastino Sancti Edmundi martiris anno xliij.

³ Between 21 Nov. and 15 Dec. may have occurred Bigod's visit to the Guildhall of which FitzThedmar speaks with such indignation (*Liber de Antiquis Legibus*, C. S., p. 40). He places it after the holding of the Surrey placita (pp. 39, 40).

⁴ m. 8. 'Placita de Querelis coram H. le Bygod' [same date]. The *querele* are presented hundred by hundred. Cf. Dover Chron. in *Gervase of Canterbury*, ii. 207.

⁵ 'Adhuc de iuratis et assisis.' Membranes 1-3 contain business done at Lechlade.

⁶ Fécamp had special sessions of the Eyre: cf. the grant in 1248, *C. P. R. 1247-1258*, 18..

⁷ Cf. *Ann. Winton. (Annales Monastici, ii)*, 98.

<i>Roll.</i>	<i>Membrane.</i>	<i>Place.</i>	<i>Date.</i>	<i>Business.</i>
1259 A. R.	362 16	Newport Pagnell	5 June	E.
	1188 14 d.-16	Bedford	9 June	A. & J.
	" 23	Bedford	9 June	D. G.
	" 16 d.-18 d.	Huntingdon	13 June	A. J. & Q.
	362 16 d., 1188 23	Huntingdon	13 June	E.
	1188 18 d.-20, 23 ¹	Cambridge	15 June	J. & A.
	" 20 d.	Ware	25 June	J. & A. & Q.
	362 16 d.	Ware	25 June	E.
	1188 23	Westminster	8 July	no title
	362 16 d.	Westminster	22 July	E.

[*After Provisions of October 1259*]

	236 A)			
	1189 }	Chelmsford	6 Dec.	A. J. & Q.
1260	1189 10, 10 d.	Stratford	14 Jan.	A. & Q.
	" 13	'In Diversis locis' (all Essex pleas)	anno xliiij	'Rotulus de corona'
	14	Greenwich	19 June 1260	A. & Q. (Lath of Scray ²)

Essoins.

1189	16	Canterbury	16 Nov. 1259
		Chelmsford	10 Dec. 1259
		Chelmsford	15 Dec. 1259
		Stratford	14 Jan. 1260

¹ m. 23 'Apud Cantebr' de Corona in Octabis Sancte Trinitatis.'

² 'Placita de assisis comitatus Kancie et querelis de lesto de Sutton coram H. le Bigod, Justic' Anglie, apud Grenewiz die sabbati proxima post festum Sancti Botulphi anno xliiij.'

Note.—In view of the nature of the cases in Bigod's Rolls it is important to observe that the Justiciar was with the king at Oxford and Winchester (June 14—July 12, 1258), and must have accompanied him on his northern tour to Woodstock, Northampton (where the Justiciar and 'others of the Council' attest grants), Oakham, Nottingham, Southwell, Lincoln, Stamford, Clarendon. Cf. P. R. O. Itinerary of Henry III, pp. 265-269. There is only one mention (Woodstock, p. 39) of the king's presence in court. His colleagues at Oxford (1258) were Roger de Thurkelby and Henry de Bathonia; at Northampton and Lincoln (Aug. to Sept. 1258) Gilbert de Preston sat with him.

without any record of attachment, summons, or appearance on the fourth day. These will be discussed very shortly. It is noticeable that most of Bigod's essoins are on his Kent roll, no. 362 (with the exception of a group on m. 16 of roll 1189), which suggests that the last membrane of no. 362 may originally have belonged to county-group roll 1188.

Now the first, no. 1187, containing the cases heard from the middle of June down to the end of September 1258, is scarcely the record of the Justiciar's 'first coming' (*primus adventus*) spoken of in the Provisions, unless we assume that the complaints which had been properly recorded and enrolled by the four knights were put before him on his arrival at, say, Woodstock or Northampton at the end of August, instead of being brought up to Westminster after Michaelmas as the Provisions required; for the returns of the Inquest of 1258 were not due in London till 13 October, and it is doubtful if the Justiciar's special Eyre or 'coming' to investigate and terminate these complaints would take place before the returns were collected and perused at Westminster. This roll is an Assize Roll, but it does not consist of cases heard under special commissions. It contains pleas of trespass and complaints of individuals against officials in addition to its assizes and juries, but it is the record neither of a special nor of a general Eyre. It is the roll of a justice who is competent to try every sort of plea both formally under writ and informally under complaint, and has the cases recorded as they occur. There are pleas of the Crown at White Waltham; and at Winchester there are *placita forinseca*, the record taking on a remarkable resemblance to a *coram rege* roll.¹ The only record of a formal presentment by the patria of a royal official is at Woodstock; elsewhere the grievances against bailiffs, royal or seignorial, are voiced by individuals who simply come and complain. The contrast to this presented by rolls 873 (Surrey) and 362 (Kent) is a marked one. By the middle of November the returns to the Inquest should have come to hand. Accordingly,

¹ The membrane (2) is headed 'Placita apud Wynton'. The king was there at the same time as Hugh Bigod, and may have sat with him to hear the pleas from various counties. See p. 41, note.

on the twenty-first of that month, the Surrey grievances were presented before Bigod, hundred by hundred, and on 12 January 1259 the Kentish complaints likewise. These Surrey and Kent rolls contain, indeed, assizes and juries, but they are principally records of the pleas arising out of the Inquest. The only other systematic group of presentments under the Inquest occurring on Bigod's rolls is a little group of Hampshire complaints heard at Winchester on or shortly after 23 May 1259.¹ With the exception of these rolls, 1188 is very like 1187—an assize roll with a considerable variety of business, civil and criminal, and a good sprinkling of complaints. Rolls 236 A and 1189² record complaints from Essex, which came before the Justiciar on or after 6 November 1259 and at Stratford early in the following January; but as they were probably heard under forms prescribed by the Provisions of Westminster they will not for a moment come under our consideration. Excluding these last two, we have thus two 'county-group' rolls both containing a good number of administrative *querelae*—and two 'county' rolls, each recording in detail presentments under the Inquest of 1258. Counting in the Hampshire presentments on roll 1188 we have formal presentments for three counties only. Have other special enrolments, made county by county, been lost, or did the Justiciar fail to take the presentments? The case is very difficult to decide. It may well be that in addition to the county-group rolls special and separate enrolments of grievances were made which have since perished. On the other hand, it is equally probable that in 1259 the Justiciar had so little time to spare, and so much business under the ordinary forms of action to get through, that he had to postpone the hearing of the pleas of the inquest in a number of counties.

§ 1. *The Complaints before Michaelmas 1258.*

Leaving on one side for a little the problem of how the *querelae* were presented, let us examine a number of informal 'complaints' as well as the formal presentments. At Win-

¹ A. R. 1188, m. 10.

² For the relations between these rolls, see Chap. III, pp. 103, 4.

chester the bailiffs of Southampton complain of the earl of Gloucester's bailiffs for taking toll for their master which was not rightly his.¹ At Westminster a woman complains of Justices of Assize who, she alleged, refused to listen to her when on the death of her husband she sued for some land as her free bench;² at Bermondsey there are complaints about the sheriff of Surrey, Gerard de Evinton,³ and at Stratford about the bailiffs of the bishop of London.⁴ But the most interesting complaints from an administrative point of view are those heard by Justiciar and king at Woodstock, and by the Justiciar at Northampton. The grievances brought by the villein socmen of Brill against the *firmarii* of the place and embodied in an important plea are headed *Placita coram domino Rege*. The king appears to have been at Woodstock from 14 to 19 August⁵, and probably sat with the Justiciar to hear the representations of his tenants; and he would have found the case particularly interesting. The royal manor of Brill,⁶ until the reign of John regularly accounted for at the Exchequer by the sheriff of Buckinghamshire and Bedfordshire, had after 1203 been let at fee farm during pleasure to various persons. It had come into the keeping of Alexander de Hamden from 1250 to 1252, when it was handed over to the abbot of Pershore, the escheator south of Trent, and from him it was transferred in 1257 to the custody of certain of the more

¹ A. R. 1187, m. 2.

² A. R. 1187, m. 2 d. 'Cecilia que fuit uxor Willelmi filii Rogeri queritur quod cum ipsa magno tempore elapso peteret coram Iusticiariis ad placita domini Regis tenenda assignatis duas partes quarte partis unius virgate terre cum pertinenciis in Haitfeld tanquam liberum Bancum suum quod esse debet in manu sua tota vita sua secundum consuetudinem manerii domini Regis de Haitfeld versus Ricardum filium Rogeri ea ratione quod predictus Willelmus quondam vir suus procreavit prolem de ea, scilicet quendam Willelmum qui obiit, et quod ipsa post mortem predicti Willelmi castam se tenuit et abductam a thoro maritali, praefati Iusticiarii nullam ipsi Cecilie hucusque facere voluerunt iustitiam.' The *querela* proves a *falsus clamor*.³ m. 4.

⁴ m. 5 d., for preventing the passage of carts 'ultra pratum per Cracheyd' (? Cracedam = Cracciam) usque Hakeneye'.

⁵ C. P. R. 1247-1258, 650, if indeed this is a genuine indication of the king's presence.

⁶ For this manor see D. B. 143 b (cf. J. H. Round in *V. C. H. Bucks*, i. 223), and O. Lipscomb, *Hist. and Antiq. of the County of Buckingham*, i. 95-102.

prominent villagers.¹ Adjoining the forest of Brill it was a favoured royal residence, as can be gathered from the letters patent and charters dated there, from references to building operations,² and a mention of 'the chapel of the king's court at Brehull.'³ It was a fairly profitable concern before 1257,⁴ but the severe weather during the autumn of that year⁵ may have had disastrous effects on its prosperity; for the three bailiffs William son of Symon, Ralph son of William, and Nigel son of Symon, who farmed the manor, appear to have had recourse to every kind of subterfuge and extortion to raise the necessary farm. The case was heard on or about the sixteenth of August, and on the nineteenth the appointment of six other villagers to keep the manor is recorded.⁶ The plaintiffs were eighteen villagers, of whom five—the five most voluble in their complaints—were women. Their *querelae*, most of which are against a certain William son of Symon, are seventeen in number. They are practically all directed against little extortions which mean so much to the tenants. Bartholomew Turner complains that, when Brill was amerced for using false measures in the Assize of Ale, William took two shillings from him although he had never brewed at all, and although

¹ Ministers' Accounts 759/28.

² C. C. R. 1242-1247, 278. The Sheriff of Bucks is to be allowed to take timber from the estate for the construction of a special chamber (*quandam privatam cameram*) for the queen, elsewhere (p. 313) described as a *garderoba*, next to that of the king. There is a reference in 1207 (*Rot. Lit. Claus.* i. 189) to 'our house' there. The king's wines were kept at Brill, C. C. R. 1242-1247, 228, 265, &c. Building there seems to have gone on from 1244 to 1246.

³ C. P. R. 1247-1258, 464.

⁴ At the bottom of Alexander de Hamden's account is written *summa denariorum de quibus idem Abbas debet respondere civili. xix sol. xi d.*, of which roughly 50 pounds were made by the sale of corn and other products. Ministers' Accounts, *ut supra*.

⁵ *Chron. Maj.* v. 660.

⁶ C. P. R. 1247-1258, 651. They were to be its keepers from 15 Aug. (the Assumption) till Michaelmas 1258, and were probably reappointed then as is shown by L. T. R. Mem. 34, 42-43 Hen. III, m. 4. 'Thesaurarius et Barones de precepto Regis et capitalis Iusticiarii sui commiserunt probis hominibus suis de Brehull manerium illud custodiendum quamdiu Regi placuerit; reddendum inde per annum ad scaccarium Sancti Michaelis *xxli.* omni eodem modo quo Rex eis prius ipsum manerium commiserat sicut continetur in originali xxxviii.' The experiment appears not to have worked, for in Edward I's reign the king's steward, Richard de Holbrook, accounts for it. Ministers' Accounts 759/29.

several of his fellow villagers who held as much, if not more, land than he, were fined twopence or threepence ; a colleague for whom he acted as pledge was amerced sixpence, and, as he could not pay, Bartholomew was distrained for two shillings in his stead. Bartholomew's corn was trampled on, and William fined people for it, yet gave him no compensation ; another villager was fined 46*d.* for unintentionally blinding an eye of his employer's horse—'the horse with two eyes wasn't worth two shillings'—yet he was forced to pay, and the bailiff does not give a penny in compensation to the employer. William son of Symon owes Alice Ross and her husband 48*s.* and would not pay ; and so on. Finally the plaintiffs state that by reason of these injuries, extortions, and rapines they and all others are so impoverished that they are scarcely able to pay the royal farm. The bailiffs in their defence admit the amercements, but deny the extortion. When they amerced plaintiffs, they amerced them 'as was befitting and according to the custom of the manor'. They put themselves on the country, and the plaintiffs likewise.

Then comes the interesting part. The jury do not merely answer the questions debated ; they add a good deal of curious and extremely damning information about the bailiffs. The plaintiffs, they say, have not told the whole story. And when asked what the conduct of William and his colleagues has been they proceed to tell it. 'They say that when the said William son of Symon had paid a fine before the Itinerant Justices on their last Eyre at Newport Pagnell of half a mark for the chattels of William the Carpenter who was hanged (the chattels were valued at 60*s.*) William distrained the whole township of Brill to provide that half-mark and nevertheless appropriated to himself the said chattels. And afterwards he sold for thirty shillings on his own initiative, concealing the fact from the king, the house of the man who was hanged, which ought to have escheated to the lord king. They further say that William and Ralph, bailiffs, compelled the men of the said manor to pay the mark which the bailiffs themselves had been amerced in the court of William de Valence for a debt they owed. They further say that when

the township of Brill was amerced half a mark before the Justices of the Forest the said Ralph distrained them and made them pay one mark which he took from them. Likewise too they say that the said bailiffs tallage sundry tenants of the said manor to meet their expenses at London while they were sojourning there to present their accounts as oft as go there or send thither.' Other interesting charges follow. Are they frivolous complaints? We have no method of knowing. But certainly the *alii articuli* which the jury answer are far more serious charges than the first complaints of the plaintiffs.

The Court decides that the plaintiffs shall recover the money unjustly taken from them; William, Ralph, and Nigel are to lose the custody of the manor, and are to be sent to gaol.¹ So ends a case of some value and interest for manorial history. More serious, perhaps, were the complaints brought against the bailiff of Woodstock, William de Ryston.² The first charge, relating to his police functions, was that he tortured a certain prisoner of his so badly that the man had to be taken out of prison dead; and that he caused to be hanged a certain woman, arrested on suspicion of stealing loaves of bread, although he knew that she was with child, and although she was ready to prove that she came by the loaves honestly. The jury in the first instance said that one of his sub-bailiffs, William Toogood, was responsible for the violence done to the prisoner; in the second instance, that Sara the accused had expressly told William of her condition and that nevertheless William had caused her to be hanged unjustly. The bailiff's defence that the prisoner died in court, and that Sara had stolen the loaves in Berkshire and was condemned in full county court, was not accepted. It is a pitiful story which shows an extraordinary degree of inhumanity on the bailiff's part. The second set of charges relate to William's infringement of royal rights in the king's park. He was presented for having hunted in the king's preserves, fished in the king's water, turned his beasts out to graze in the royal pasture-lands, cut down trees in the park and sold them at his

¹ Printed App. II, p. 344.

² A. R. 1187, m. 11, under 'Placita corone'.

pleasure, and burnt charcoal there. The bailiff produced a charter¹ granting him the place at farm and letters patent by which he defended his felling of the trees and his pasturage of his beasts; but as he could not defend his fishing or his charcoal-burning—and the fishing offence was a particularly bad one—he had to forfeit his manor and satisfy the king not only for the damage he had done, but also for the sum of which he was in arrears at the Exchequer (another good reason for forfeiture), and be sent to gaol. He had already been given one sentence of imprisonment on the first set of charges, so he would have got a considerable term of gaol. But William was a clerk, and by command of the Archbishop (for the see of Lincoln was vacant) was delivered to the Rural Dean to be dealt with by the Church, security being taken that ‘he would reply to the king, were he called upon to do so, about the aforesaid transgression of the hunting’.

From Woodstock Bigod moved on to Northampton. Here the sheriff, Hugh de Manby, was brought before him.² A certain man accused of robbery had confessed his guilt and had abjured the kingdom. The port of Dover being ‘assigned’ to him, he was on his way there along the royal road, in his own words ‘turning neither to the right nor to the left, when between Northampton and Newport Pagnel certain unknown men at the command of Hugh de Manneby, sheriff of Northampton, came upon him, and, as he lay there prostrate on the ground for very terror and clutched with both hands the wheels of his cart, beat and lacerated his back with bows and other weapons’ so severely that blood-poisoning set in and his life was in danger. The sheriff defended himself by saying that his men caught the felon off the royal road, and that he had given them orders to catch the man if they found him anywhere but on it. A jury of the locality³

¹ Which shows the farm of Woodstock to have been £37 12s. 8d. m. 12 d.

² A. R. 1187 m. 14 d. The case opens with a plain narrative by the plaintiff: ‘dicit enim quod . . .’

³ Ibid. ‘xii iuratores de hundredo de Wymeresle in quo hoc evenit et quatuor villate propinquiore dicunt super sacramentum suum quod predictus Ricardus captus fuit in regali via inter Northampton et Newport Pagnel ubi prostratus ad terram iacuit et terre dentibus adhesit ac rotaria careturum utraque manu tenuit per quosdam Willelmum de Blankeney

in which the assault took place confirmed the man's tale. So Hugh de Manby was sent to gaol. But not for long: for soon after his consecration the new bishop of Lincoln came to Westminster to seek benefit of clergy for the miscreant; so Hugh was liberated to the gentler mercies of the courts Christian.

From Northampton the Justiciar went *via* Oakham to Nottingham. Then he sent to gaol the bailiff of Bingham¹ for failing to produce a prisoner whom he ordered to be sent to Lincoln, his next destination. At Lincoln he heard a complaint against the sheriff, John of Cokerinton, for refusing to proceed upon a writ which is brought to him by a certain plaintiff; and the sheriff, having no answer to make, was put in mercy.² From Lincolnshire he returned to the midlands, and at the end of September probably travelled to Westminster with the king for the Michaelmas Parliament, for he had to be present at the first public session of the reconstituted Council which was to ratify the measures taken at Oxford and, in all probability, to consider the returns of the inquest. Moreover there was an important change of

constabularium predicti Hugonis castri Northampton, David Garcionem eiusdem, Ricardum filium Fabri de Quenton et Rogerum de Byselingbery, qui etiam ipsum pedibus extraxerunt e via illa, postquam ipsum verberaverunt arcubus suis et baculis sicut predictus Ricardus dicit, et ipsum duxerunt ad quoddam molendinum quod vocatur Rysmele et ibidem levaverunt hutesium super ipsum.'

The judgement is interesting. 'Et quia ista transgressio ita manifeste et enormiter perpetrata est contra pacem Domini Regis et legem et consuetudinem regni, consideratum est quod predictus Hugo committatur gayole custodiendus quousque sciatur utrum predictus Ricardus convalescere possit necne. Et predictus Ricardus missus est ad hospitale sancti Iohannis Northamptonie ibidem suaviter fovendus et conservandus; Ita quod si quoquo modo convalescere possit iniunctum est maiori et ballivis Northamptonie quod ipsum, ex quo convalescerit, per predictam viam conducant usque ad locum ubi ab eadem via fuit extractus, et hoc per visum proborum hominum de vicineto illo et tunc ipsum predictam viam usque ad portum predictum pacifice tenere permittant.' There is a translation of this case in M. A. Hennings, *England under Henry III* (Univ. of London Intermediate Source Books), pp. 189-192.

¹ A. R. 1187, m. 19. 'Pro magna transgressione et contemptu et similiter, eo quod non habuit Henricum filium Hugonis de Byngham coram Iustic' ad respondendum Cecilie de Thorpe de quadam transgressione quam ei fecit.'

² m. 22 d. 'Et quia predictus vicecomes nichil scit dicere quare iudicium predictum eidem Willelmo fieri prorogavit, ideo ipse in misericordia.'

sheriffs in the counties to be carried out. It will scarcely be a digression if we examine very briefly its nature.

The normal form of appointment for the sheriff ran thus: 'The king has committed to A the county of B together with the castle of C (if there was one) to keep as long as the king shall please so that he answer at the exchequer for the outgoings thereof.'¹ The new form is longer and reflects the new régime. 'The king upon the advice and provision of the magnates has committed to (Eustace of Watford) his county of (Northampton) to keep so long as the king shall please', or 'the king has committed to (Peter Foliot) his counties of (Oxford and Berkshire) to keep &c. in the manner provided by the magnates of the council'.² In the Hilary Term occurs the more drastic and novel form which runs as follows: 'In the matter of the sheriff elect of Lancashire and the commission of the county, William le Butyllier, Geoffrey de Chesham, William de Forneys, and Alan de Wyndhall on oath have elected the said William le Butyllier sheriff of Lancashire to keep the county in the farm provided by the king's council, and the said county has been committed to the said William after oath taken by him before the barons³ that he will faithfully keep it as long as the king shall please.' Now who are these four electors? They are the very four knights who had to conduct the inquest, and they appear to elect one of their number to be sheriff;⁴ if we scan the names of the newly appointed, we see that in the great majority of cases the new sheriff was one of the panel of four knights employed on the inquest. Such a panel might already be in existence for judicial purposes, but its use here indicates still wider reliance placed in the county knights by the baronial government. The summons to the sheriffs in the autumn of 1259 to send four of the more discreet knights from their

¹ P. R. O. *Lists and Indexes*, ix. 6, quoting Fine Roll, 39 Hen. III, m. 4.

² L. T. R. Mem. 34, 42-43 Hen. III, m. 3 d.

³ Are these the barons of the Exchequer or of the Council? Probably the former.

⁴ *C. P. R. 1247-1258*, 649 (Lancaster). Whether the panel of four in each county were specially selected by the baronial party and not chosen *in pleno comitatu* is another matter. The whole subject of the 'election' of these panels needs careful study.

counties, 'to hear and perform the command of the king to be revealed more fully both to the sheriff and to themselves by Hugh le Bigod the Justiciar and others whom the king has appointed to guard his kingdom while he is away in foreign parts',¹ is another proof of that reliance, which we shall have occasion to observe again in the administrative clauses of the Provisions of October 1259.

The oath taken by the new sheriffs corresponds in some details with part of the royal proclamation to the men of Rutlandshire on 20 October.² It is to be found at the foot of one of the membranes in the Lord Treasurer's Remembrancer's Roll.³ The sheriff is made to swear that he will loyally keep the county, will do right to all men, failing not for love or hatred. That he will not lodge with poor people, will ask for only a moderate supply of victuals when he does, and that the customary 'feorm'. His officers likewise must not make '*captiones*' in kind or in money, and must be reliable and responsible persons. He is not to let out to farm counties, hundreds, wapentakes, or any other bailiwick of the realm. The October proclamation to the men of Rutlandshire adds to this by declaring that the king has forbidden any person to make presents to bailiffs on any consideration whatever, for the king's sheriffs and bailiffs are his officers and duly paid out of his own. They are not to hold office for more than a year, 'and therefore the king gives it to be known that if any harshness or wrong be done to them by the aforesaid bailiffs they shall fear them less and more securely expose their wrongs'. Each sheriff took back with him to his county an English charter ratifying past and future baronial acts, which he was to read in the county

¹ L. T. R. Mem. 35, 43-44 Hen. III, m. 4. They are summoned for the Octave of St. Martin 'ad audiendum et faciendum preceptum Regis dicto vicecomiti et eis plenius exponendum per Hugonem le Bigod, Iusticiarium, et alios quos ei Rex iniunxit ad custodiam regni sui dum moram traxerit in partibus transmarinis secundum provisionem factam per magnates de consilio Regis'. Note the similar summons to the two justices Giles de Erdington and William de Wilton on m. 4 d.

² In Shirley, *Royal Letters*, ii. 130; *C. P. R.* 1247-1258, 655, for translation.

³ No. 34, 42-43 Hen. III, m. 8 d. The new sheriffs evidently took the oath in the Exchequer.

court several times a year.¹ This fact, together with the popular promise of speedy redress of wrongs to all men of the county of Rutland, shows that the *reformatio regni* was not envisaged merely as a piece of conciliar readjustment, but also as a serious attempt to better local conditions through the existing local machinery.

But it could not all be done at once. There is a note of apology in the promise to Rutland. The reformers saw that the redress of grievances would proceed more slowly than would be welcome; hence the introductory words:

‘Whereas the king desires that swift justice be done throughout the realm for poor as well as rich, he commands that the wrongs which have been done in his time in the said county, whoever has done them, be shown to four knights whom the king has attorned for this, if they have not before been shown to them, and the king will amend them as speedily as he can. But if he cannot do this thing as speedily as he would wish and as there is need, both for himself and for them, they ought not to marvel, as the thing has so long gone ill to the damage of the king and them that it cannot be amended so soon; but by the first amendments which shall be made in the first counties where the king shall send his justices and other good men to do this they can have certain hope that it will be done to them in like manner as soon as can be.’

§ 2. *The Complaints after Michaelmas.*

And so to the ‘first amendments’. The staunch Conservative FitzThedmar, thoroughly hostile to the new Whig oligarchy of the barons, describes Bigod’s visit to Surrey in a passage worthy of careful note for its pungency and suggestiveness.

‘This year’, he writes, ‘after the parliament held by the barons at Westminster Hugh Bigod the Justiciar came to St. Saviour and there with his colleague Roger de Thurkelby held all pleas which pertain to Justices itinerant in the County

¹ *Annals of Dunstable*, p. 210. ‘Eodem anno ad parliamentum Sancti Michaelis provisum fuit per concilium regis quod quilibet vicecomes haberet cartam Anglice scriptam et magno sigillo regis signatam, et pluries in anno coram comitatu legatur ut ad notitiam omnium qui ibi continentur perveniat.’ For text, see *S. C.*, p. 387.

of Surrey, where he not only amerced but also had imprisoned, whether they were in clerical orders or not, a number of bailiffs and others who had been convicted of offences against people in their districts (*subiectis suis*), and for one he even exacted twenty marks in quittance (*redemit*) and for some forty and more; and on several he unduly imposed heavy sums for scanty cause.¹

The reason for the chronicler's annoyance is probably the appearance of the Justiciar that December in the Hustings, and his trial of cases there upon simple *querimonia* without writ or essoin, both courses entirely contrary to city custom. With this important exception his conduct is the reverse of arbitrary; he comes to inquire as much as to punish. The 'loquendum', several times written in the margin of his rolls when an unpopular or dubious custom is being dealt with, shows his dependence on the Council.²

The Surrey presentments under the inquisition were made, hundred by hundred, on 21 November at Bermondsey. The principal offenders presented were Gerard de Evinton, sheriff 1255-1257, John de Gatesden, sheriff in 1227, 1231, and 1238, and among bailiffs Geoffrey Norman³ and Henry Garget. Let us summarize them briefly. In the category of police functions abused the chief subjects of grievance are failure to arrest, unjust imprisonment, and payment for replevin. According to the hundred jury of Wodeton, Gerard de Evinton had a way of making a felon turn informer and accuse innocent men from whom he (the Sheriff) then exacted sums of money as the price of their liberty;⁴ he had also taken sums

¹ *Liber de Ant. Leg.* p. 39.

² E.g. the county court was held at Guildford and the whole county demanded that it should be held at Leatherhead according to ancient custom; Bigod, however, decided to refer the case: A.R. 873 m. 4. 'Idem iuratores cum toto comitatu presentant quod comitatus Surreye tenetur apud Gildeford, qui semper solebat teneri apud Leddrede, et hoc est ad maximum dampnum totius comitatus etc. Ideo loquendum cum domino Rege.' Geoffrey de Lusignan had been 'extending' his manors at double their usual rate, but Bigod decided to consult the king before interfering, *ibid.*, m. 9. A confident assertion by the Sheriff of Surrey and the king's bailiffs in Southwark that the king is in seisin of certain tolls is met by 'consideratum est quod inquiratur de seisinâ domini Regis', m. 9 d.

³ Described as bailiff of Southwark in 1251, *C. P. R.* 1247-1258, 113.

⁴ A.R. 873, m. 4.

for letting accused persons out of confinement upon bail till the Eyre came,¹ a practice which Bigod condemned as illegal.² In the hundreds of Woking³ and Cophthorne⁴ there are presentments of a royal bailiff or the sheriff fining villagers upon false charges. Offences in connexion with suit of court or with the judicial functions of officers are not numerous;⁵ there are one or two cases when the royal bailiff of Southwark has taken amercements under the Assize of bread and ale without trial of the victims,⁶ and an interesting complaint from the Wotton jury that sheriffs of Surrey, when they sold the live-stock of men who were in mercy and could not pay in cash, took no trouble to get the full price, or even half the right amount, but an arbitrary figure, or else retained the beasts for their own use.⁷

By far the greatest number of cases are simply *captiones* of one kind or another, many obviously in distraint, many for allowing the payers to avoid certain obligations. Henry Garget 'unjustly' took beasts and hay from Roger of Redhill, sums of money from Philip of Hythe, nine shillings from a certain woman, two shillings for beer sold against the Assize when no conviction had been made, &c.⁸ Geoffrey Norman took nineteen shillings from a woman after telling her that, as her husband had died, the house in which she lived ought to escheat to the king, when there were heirs to that house apparent on the spot.⁹ So he is in mercy: he also took from Roger Broyman of Lancashire a quarter of wheat value four

¹ Ibid., 'pro dimittendo eos per plegios usque ad adventum Iusticiarii'.

² Ibid., '[et quia] non pertinet ad vicecomitem aliquid capere de appellato pro dimittendo per plegios'. Cf. m. 8.

³ m. 5.

⁴ m. 8.

⁵ Henry Garget is presented for having taken 2s. from Peter of Plaistow after charging him with default at the hundred court of Woking, when he was there all the time, m. 5.

⁶ m. 8 d.

⁷ 'Idem iuratores presentaverunt quod omnis vicecomes istius comitatus quando vendiderunt (*sic*) averia hominum existentium in misericordia vendidit pro voluntate sua et non ad dimidium valorem eorundem averiorum, et eadem averia retinuit ad opus ipsorum vel aliorum amicorum suorum. Ideo loquendum cum domino Rege.' m. 4.

⁸ m. 5.

⁹ m. 8 d. 'Cum predicta domus nullo modo potuit esse eschaeta Regis eo quod fuerunt ibi heredes apparentes.'

shillings: from Margery, wife of Geoffrey of Winchester, a large vessel worth three shillings; from a man in Southwark two bushels of wheat, and imprisoned him till he had paid a fine; he then defended himself by saying that William was a regrator, and this was the reason why he was amerced. The jury said that that was true, but Bigod thought the penalty too severe and Norman had to give back the two bushels of wheat.¹ In a number of instances the phrase *cepit de* occurs with no explanation of the circumstances, and as there is no marginal or textual indication of the fate of those thus presented we are left in doubt whether the offences are really genuine or not. A particularly sore point is the sheriff's tourn. The hundred of Wotton complained that both Geoffrey de Cruce and Gerard de Evinton, the one following the other's precedent, held their tourns in this hundred 'where no tourn ought to have been held'.² Both these former sheriffs appeared, admitted the charge, and were amerced. John of Gatesden also is presented for making his tourn twice a year, 'where no sheriff before him was ever wont to make it, not even once a year; so that from every man that came to the tourns he took yearly twopence, where formerly not one penny was wont to be paid'. John admitted, but said that he did it at the king's command: yet as he could not show authority he was amerced. The township of Bocland complained that he levied four shillings from them for the tourn, and the hundred of Reygate made a similar complaint. Bigod notes on his roll that the king must be consulted on the matter.³

Complaints of seignorial oppression chiefly concern the

¹ m. 8 d. 'Et Galfridus venit et defendit vim et iniuriam quando etc. Et dicit quod consuetudo ville de Suthwerk talis est quod nullus vendat nec emat bladum in foro de Suthwerk antequam missa matutinalis cantetur apud hospicium sancti Thome de Suthwerk. Et dicit quod predictus Willelmus est regratarius et quia ipse emit unam quarteram siliginis ante quam missa ibidem cantata fuit cepit ipse predictos duos bussellos siliginis et 2s. pro misericordia sua pro predicta transgressione. Et iuratores hoc idem testantur, sed quia misericordia nimis gravis fuit ideo restituat ei predictos duos bussellos siliginis; sed retineat predictos duos solidos pro misericordia.'

² m. 4.

³ Ibid.

king's half-brother, Geoffrey de Lusignan. He is presented for 'extending' or valuing lands at a high rate. He and his bailiffs, it is stated, extended the warren of Bisley in the hundred of Godley: they calculated that it contained two hundred rabbits, each rabbit worth sixpence, and accordingly took from the lessee 100s. a year for three years¹—a very arbitrary calculation. He had also extended at a high rate some common pasture land on the estate of his ward, Geoffrey de Lucy.² The hundred of Waleton (Wallington) complains that he distrained the free tenants of Waleton to pay a tallage, alleging that the inhabitants lived on the king's demesne,³ and that he continued to distrain them with increasing severity until they had paid a fine of thirteen marks to be quit of his demands; that he extended the manor of Walton through his seneschal, William Bushey, at twice its real value, and afterward gave it away in keeping to William de Court, from whom he extorted twelve marks and three shillings more than its value. His bailiff also was guilty of extorting money from the free tenants because they would not pay the fine. Bigod decides to refer the case to the king; seignorial rights were a ticklish subject.⁴

From Surrey Bigod returned to the Gildhall; where with Roger de Thurkelby he held pleas from day to day '*for all those who wished to bring complaint*',⁵ to quote Fitz Thedmar once more:

'then and there with no reasonable summons made or essoin admitted, he finished off the cases without observing the proper legal procedure (*nullo iuris ordine observato*) contrary to the laws of the city, and, indeed, contrary to the laws and customs which are the right of every free man in the kingdom of England. Which thing the citizens claimed to be illegal (*calumpniaverunt*), saying that no one ought to hold pleas in the city concerning offences committed there save only the sheriffs of London:⁶ but it was no use. The citizens

¹ m. 6.

² m. 8.

³ Walton was king's demesne T.R.W., D.B. i. 30. It had been granted to Ebulo de Montibus and was let back to the king by him, C. P. R. 1247-1258, 495.

⁴ m. 9.

⁵ *Liber de Ant. Leg.*, p. 40.

⁶ Cf. Henry I's charter printed in W. Page, *London: Its Origin and Early Development*, pp. 275-6. But with the disappearance in the early

however executed judgment on all dwellers in the city who were convicted or were put in mercy (*inciderunt se in misericordiam*) for false complaint. At the same time the Justiciar caused to be brought before him and the Earl of Gloucester all the bakers of the city, as many as were found, with their loaves, so that they were summoned by but a small number of the citizens, and before those the bread was tested; and those whose loaves did not weigh aright according to the assize of the city were not placed in the pillory as of aforetime they were wont to be, but were lifted up aloft on the tumbril at the ordaining of the said Justiciar and earl, against the ancient custom of the city and the whole realm.'

'With no reasonable summons made or essoin admitted': the phrase is, I believe, an accurate description of the Justiciar's procedure. If we are to understand by it that Bigod admitted people to plead by complaint without the previous purchase of a writ which would involve the 'reasonable summons', and give the party complained of the chance to put in an essoin, then the attitude of the chronicler is quite intelligible. What he is grumbling at is the very point of procedure against which we shall watch Peter of Savoy protesting next year—the need for defendants in *querelae* to appear and answer charges under no recognized writ. If this procedure became an admitted thing, the very *faex populi*, the discontented dregs of the populace, could summon the *élite* and the well-to-do, and social stability was at an end. The Justiciar's presence in the Sheriff's Court naturally alienated the Chronicler,¹ whose remarks are still further embittered by the summary and informal methods of trial adopted.

The Kentish complaints under the inquest were heard by the Justiciar at Canterbury the following January. Here the main gist of the charges brought before him was the contravention by royal and seignorial officials of the Customs of Kent, e.g. Gavelkind, and the levying of 'new customs' or dues in the hundreds. On the whole there is more present-

years of Henry II of the Justiciars who held office in the City during the twenty years which followed the Charter it seems that the citizens lost all control of serious criminal jurisdiction, at least as far as appeals of felony were concerned. See A. H. Thomas, *Calendar of Early Mayors' Court Rolls of the City of London*, Introd., pp. x-xi.

¹ Ordinary assaults and minor trespasses lay within the Sheriffs' province. Thomas, op. cit., p. xv.

ment of seignorial, less of royal officials than in Surrey;¹ and there is a good deal of *subtractio sectae*—withdrawal of suit of court—which is laid to the charge of the great men. Grievances are stated with greater clearness of detail than in the other county. Let us look first at the violations of custom which disturbed the Kentish conscience.

Four brothers, Thomas, Bartholomew, Robert, and John de Hegham, bring a complaint against William Brito, the sheriff, in 1227. They complain that although after the death of Robert their father they ought to have succeeded to all his lands as his sons and heirs, without the payment of any fine or relief, William Brito, sheriff of Kent twenty years ago (they have long memories), would not let them have seisin of their father's lands and tenements which he had held from the king in the hundred of Middleton until their mother Sarah had paid a fine of fifty marks, a sum which she ought to have treasured and applied to the benefit of Thomas and the rest, 'as it behoves guardians in these cases to do, according to the custom of Kent in tenures of this kind'. They claim 100 marks damages. The sheriff admits taking the fine, but defends himself by claiming that he did just what his predecessors had done in such cases. Thomas and his brother deny that he did so, the act being clearly contrary to custom, and demand an inquest to verify their statement: so the case is adjourned till the jurors can meet.² The Heghams in their

¹ The extent of the Archbishop's rights in the county is clearly manifest in the ubiquity of his bailiffs and their determination to exact all they can. The importance attached by the baronial party to their punishment is perhaps seen in the significant appearance of the Earl Marshal at Chatham to contest the claims of the Archbishop to dispose of a convicted bailiff. A. R. 362, m. 9 d. This may, however, simply be in pursuance of his claim to the custody of all prisoners adjudged to prison before the Chief Justice, a claim which he made again at Lewes in December 1260 before Hugh le Despenser. On this cf. H. G. Richardson, in *Trans. Roy. Hist. Soc.*, loc. cit., pp. 58–9, 61, and Miss Cam's criticism, *Cambs. Hist. Journal*, ii, 127, n. 6.

² A. R. 362 m. 5 d. Cf. App. III, p. 349, for a bailiff who takes fines from certain persons for letting them have custody of lands held in gavelkind 'ad quas nulla custodia pertinet ad opus dominorum feodorum nisi tamen ad commodum heredum'. Also m. 9, m. 10 d. See *Consuetudines Cantiae* in *S. R. i.* 223, 4. On the contrast between the Custom of Kent and the Common Law, see N. Neilson, 'Custom and the Common Law in Kent', *Harvard Law Review*, xxxviii, 482 et seq.

resistance to the sheriff's attempt to introduce a fine are acting upon the well-known principle of succession in tribal law that the live man enters on the dead man's right—*le mort saisit le vif*; they are pleading the custom of the family against the custom of the fief.¹

The 'new customs' (dues) complained of are interesting John de Watton when sheriff² levied a new custom called Lethysot³ in Eyhorn hundred by taking 22s. twice a year at his tourn, and other sheriffs have followed his example. John replies that he was never sheriff, but only sub-sheriff to Bertram de Crioll; if he took anything it was for his superior and for him only. The same presentation is made in the hundred of Larkfield. Eyhorn hundred also presents that the bailiffs took at their two 'lawdays' every year 40s., twenty at each; the same practice has occurred in the hundred of Larkfield and in the other hundreds as well.⁴ Calehull in the Lath of Scray complains that after the death of Richard le Grant, Archbishop of Canterbury, when the see was in the hands of the king, Richard of London, then king's bailiff, took at the two lawdays seven marks and 8d., a custom which the bailiffs of subsequent archbishops found very convenient; moreover bailiffs of the archbishop in this hundred had taken amercements from bakers and brewers without trial.⁵ The hundred of Hoo complains that Reginald de Cobham, when sheriff, had instituted a fine payable whenever homicide was presented at the regular meetings of the county court (*ad unumquemque comitatum*). These cases are referred to the king. But when

¹ In Wales the issue of the head of the family on succeeding to their parents paid no investment fee because their parents' possession and title were theirs. H. Lewis, *Ancient Laws of Wales*, p. 6.

² In the P. R. O. *Lists and Indexes*, no. ix, p. 67, John de Cobham appears as Crioll's subordinate in 1242. The reference to 'John de Wadeton' is puzzling: Does John de Cobham = John de Watton?

³ This may be the same as the Norfolk 'Letefe', a payment to the tourn, on the analogy of *Hundredscot*, cf. N. Neilson in *Oxford Studies in Social and Legal History*, ii. 160. What the jurors probably said was *Lathescot*, which the scribe misunderstood. In the Hundred Rolls there are two allusions to 'John de Watton' first levying the sheriff's tourn. R. H. i. 204a, 227b. 'Item dicunt quod Iohannes de Watton quondam vicecomes primo levavit turnum vicecomitis in comitatu isto unde hundredum de Stuting gravatum est de xxs. per annum.'

⁴ m. 8.

⁵ m. 12 d.

⁶ m. 9.

it is represented that William of Tylysdene, bailiff of the archbishop in this hundred, has made it customary for all the archbishop's tenants to make presentments at every halimote, where they should only have made them at one lawday a year, Bigod prohibits the practice. He is quite ready to step in and forbid a local extension of the law merchant the practice of distraining a man's neighbours or tenants for the debts owed by him the Justiciar ordains shall cease.¹ The Custom of Kent he upholds; the anomalies of local law he suppresses.

The longest complaint on the roll concerns an abuse of police functions. It is directed against the bailiff of the earl of Gloucester, Quintin of Winchester by name, a clerk.² Quintin has imprisoned a certain reeve of one of the earl's manors at Yalding for being in arrears on his account, and the reeve complains that while in prison Quintin wrung from him by torture a charter enfeoffing the bailiff with ten acres of land which he held in Peckham; and when he sued Quintin before the justices of common pleas at Westminster Quintin had him caught and imprisoned in Newgate for a year, and informed (*suggessit*) the bailiffs of London that he had burnt a certain house of Quintin's and that for this he had been convicted by the patria. He claims £40 damages. The bailiff admits getting the charter, but says that the land was given in payment of the arrears, and that the charter was made in full county court. It was not through his doing or at his suggestion that the reeve had been imprisoned at Newgate; a house of his had been burnt, and when inquiry was made the reeve refused to attend and was caught and imprisoned at Newgate (presumably on suspicion). He asks

¹ App. III, p. 351; for regional custom, see Neilson, op. cit., p. 484.

² m. 10. In connexion with the escape of felons complaint (proved to be justified) is made against Walter de Berstead, Sheriff in 1257, that he distrained the outlying districts of the hundred to pay 100s. for the escape of a robber from the abbot of Faversham's prison. m. 11 d. (hundred of Faversham). For false charges and threats of imprisonment if fine was not paid, m. 13 d. (hundred of Middleton), where John of Northwade is sent to gaol for similar offences. For maltreatment of indicted felons cf. m. 12 (hundred of Langbridge), where Symon Lovell, bailiff of the archbishop, maltreats a receiver of stolen goods. For unjust imprisonment (hundred of Chatham), m. 9 d.

for a jury to verify this. The jury state that Quintin made the reeve ratify the charter by force of compulsion and under threat of imprisonment; that he had not been indicted on a charge of arson. The Newgate imprisonment was due to Quintin, who in anger at being prosecuted at Westminster for the ten acres had given false information to the bailiffs of London. So Quintin is to be sent to gaol; but afterwards we learn that he came and gave back to the reeve his ten acres.

Of the inevitable cases of amercement¹ or of money taken for the performance of official duties² space does not permit discussion. There is a fair-sized list of miscellaneous 'extortions'³ and a group of cases against magnates of the county, mostly concerning withdrawal of suit of court.⁴ Of the seignorial cases, however, the best sample is a complaint of wrongful distraint brought against Roger de Leyburn, where plaintiff alleged his inability to get justice done to him in the king's court (*in curia regia*) owing to the favour in which Roger stood with William de Valence, to whose household he was attached.⁵ Lastly there is the curious case⁶ against the bailiff of the well-known magnate William de Say, afterwards sub-sheriff of Kent in 1264; during the course of four years the bailiff made fourteen reeves out of the tenants of his master's manor of Birling, and removed them one after the other, several holding office for one day only, while all apparently had borrowed money from the tenants and were in debt when they were removed. It appears that the ingenious bailiff made them borrow money from the manor, and when they were well in debt removed them from his service so that he

¹ For amercements absurdly high, m. 8 d., m. 9 d., m. 13 d. In some cases bailiffs are alleged to have appropriated them, m. 9 d., m. 10 d. For too rigorous distraint for such payment, m. 9 d. There is a case in the hundred of Chatham when a royal bailiff is presented as distraining 'vi et armis et non debito modo prout decet ballivum Regis venire ad districtiones faciendas'.

² Especially those of coroner, m. 9 d., m. 8.

³ m. 9 d. (against Roger de Sancta Helena), m. 11 d. (hundred of Faversham), m. 13 (hundred of Middleton, against Simon Kokel).

⁴ Especially on the part of the tenants of religious houses holding hundred-lands, as e.g. m. 11.

⁵ m. 8 d.

⁶ App. III, p. 352.

could repudiate what they owed. Although the bailiff did not keep the money, but sent it to his master, he is sent to gaol and William de Say is summoned to appear.

The Kentish cases compare interestingly with those of Surrey. The peculiar Customs of Kent were a powerful factor in local life, and new devices to extort money were bound to cross them in some way or other and so raise cries of danger. The phrase *traxit in consuetudinem*, which is found here and there, shows with what suspicion the innovations were regarded. Where the sheriff or bailiff had very few written rules to abide by, he was peculiarly liable to follow his predecessor's lead, particularly if it was financially profitable. It would not be judicious, however, to exaggerate the importance of the cases in either list of presentments. Students of medieval local administration will know that very similar complaints could be brought in most counties during any period in the thirteenth and fourteenth centuries. Their parallels can be found both in the Hundred Rolls and in Parliamentary petitions during the next century. But, as far as I am aware, the Suffolk return and the Surrey and Kent presentments are the first detailed statements at any length of grievances arising out of local administration in this country during the thirteenth century.

The Justiciar was at Westminster in February,¹ at Windsor during the beginning of March,² and after Easter set out again. There were administrative grievances in Gloucestershire and Oxfordshire,³ but not till he came to Hampshire is there any record of presentments under the Inquest to be found on his roll. There we find the heading *Placita de inquisitionibus factis coram quatuor militibus in comitatu Southamptione de transgressionibus coram H. le Bigod . . . apud Winton*. The complaints are very few. Three

¹ *C. P. R. 1258-1266*, 11-14. Note that the letters patent are (again) from January 20-24 issued from the same place as that at which the Justiciar was sitting, Canterbury.

² *Ibid.*, 15.

³ *A. R. 1188*, m. 4 d., m. 7 (a bailiff of William de Valence).

hundreds, Finchdean, Titchfield, and Portsdown, complain of the bailiff of William, son of William of Albemarle, earl of Arundel, who held the hundred of Finchdean at fee-farm from King John; the offence began in John's reign, and consisted in the levying in the hundred of an aid of 32s. 'for a certain horse which died',¹ and then making the 32s. a yearly custom; another bailiff in the time of Hubert de Burgh on one occasion took from each tenant a hen and a loaf of bread to regale himself and his friends, and then found that the levy would be convenient if made annually, when for the hens he had substituted the sum of five shillings. There is one more presentment of a bailiff for unjust amercement, the conviction of the bailiff of the bishop of Winchester's soke for taking the dues paid by bakers of the city which should have gone to the city bailiffs, and a complaint against William of Albemarle for fencing off his park, and with these the list ends. Are these matters of ancient history all that Hampshire can produce? Or are they perhaps all that Bigod could find time to hear?

At the beginning of June the Justiciar turned northwards: nowhere else are there formal presentments; in Buckinghamshire he heard complaints against a bailiff and sub-bailiff of the earl of Gloucester, and against another bailiff of the same magnate for wrongful capture and detention of cattle:² he passed on through Huntingdon and Cambridge³ and returned by Ware, but these counties are not dealt with exhaustively; there are assizes, juries, and complaints on his roll, but no pleas of the Inquisition. Yet the St. Albans chronicler, who wrote the part of the *Flores Historiarum* dealing with the events of 1259-1265, represents him and his colleague Gilbert de Preston⁴ hearing presentments throughout England.

¹ m. 10.

² m. 12 d., m. 14. There are characteristic appearances of the rowdy and litigious Beauchamps, William and Ida, who have been 'driving' the sheriff's beasts and refuse to give them up. m. 16 d.; cf. m. 17 d.

³ m. 20. A bailiff of Philip Basset 'took' 8 oxen from a villager when they were on common pasture.

⁴ Gilbert de Preston was with him in August, September 1258, as A.R. 1187 m. 11 d., m. 15 d., m. 22 show. In Kent his colleague was Giles de Erdington, A.R. 362 m. 1. I cannot discover if Gilbert de Preston was with him in the summer of 1259.

'About this time,' his statement runs, 'Hugh Bigod, a man of great loyalty and the Justiciar in chief of all England, taking with him Roger de Thurkelby and Gilbert de Preston, began to go on circuit throughout the whole of England, from county to county and from franchise to franchise, to dole out to all justice according to desert. They were men skilled in English law, and for their fairness in exercising judgment they were deputed before all others by the community as men especially suitable for the task. These then, as I have said, being thus prepared had agreed and determined together to exercise worthy judgment by taking into equal consideration the claims of rich and poor, serf and free, stranger and denizen alike in every matter before them, without receiving favour of any kind, yet with exercise of mercy. . . . Urgently and courageously following up the inquest recently taken by the four knights especially deputed county by county, they brought to light again (*renovaverunt*) numerous offences and wrongs, unrequited and almost forgotten from long time past up to the present, and required the strictest penalties for them, paying no heed to those who tried to obscure the justice which they had set themselves to carry out. They yielded not to promises or entreaties, though they came from powerful persons, but sought earnestly for the truth and did their work of retribution with speed.'¹

This would suggest that the special rolls of presentments and pleas made in the majority of the counties have been lost.² Why then are the presentments for Hampshire alone inserted on the Justiciar's 'county-group' roll when there are no similar presentments for other counties to be found upon it? Was it because the complaints there were so few that it was not worth while enrolling them separately? It is difficult to say. But even if we take the view that, with the exception of the Surrey and Kent rolls, all the other presentments have been lost, are we entitled to assume, judging from such record of his itinerary as has survived, and taking into account his activity in the Council, that the Justiciar did actually 'go on

¹ *Flores Historiarum* (R. S.), ii. 426-7.

² Hugh Bigod or Gilbert de Preston may have carried them off to their homes, as justices in the earlier part of the reign seem to have done. It is also possible that in some cases the termination of the pleas of the Inquest was recorded on the returns of the Inquest themselves, as our fragment for Suffolk suggests, and thus loss of the returns has meant the loss of the record of the trials.

circuit throughout the whole of England¹ from the autumn of 1258 to the autumn of 1259? He had to fit in as best he could his judicial activities with the three great annual sessions of the Council which the Provisions of Oxford had prescribed, and that would inevitably make his progress slow. He could scarcely cover the whole of England in a year, for, in spite of all his progress when he returned to Westminster in the spring of 1259, his work was only half done. From the end of April to the beginning of August 1259 he does not appear to have touched the northern, extreme western, or south-western counties: he merely goes through the southern centre of England again. We are led, it seems, to surmise that the policy of piling both judicial and administrative work on the shoulders of the Justiciar had a retarding effect on the projected reform, which was bound to cause disappointment in the counties. Furthermore, his very cautiousness, the careful legality of his judgements, and his frequent adjournment of disputed points for consultation with the king might be open to misinterpretation among people impatient under grievances which his coming was supposed to remedy. The project made in the autumn of 1259 for renewed efforts to collect grievances throughout England² suggests that there was still much to be done, and the complaint of the bachelery may show that the big franchises had not yet exposed their abuses.

§ 3. *The Method of the Querela.*

Amid these uncertainties it is at any rate clear that a change or, more accurately speaking, an unobtrusive development is being registered in the judicial procedure. Readers of Assize Rolls earlier than 1258 will, when they pass to Bigod's records, be struck by the number of cases heard simply by complaint, and beginning *X queritur de Y ballivo [com' Glouc' or domini regis de Z] quod &c.* The underlying principle of the inquest of 1258—that aggrieved victims of official malpractice may complain freely about it without going to the expense of getting a writ of trespass against their oppressors or engaging in a cumbersome criminal

¹ The chronicler expressly says 'began to go on circuit . . .'

² Investigated in Chap. III.

appeal, a principle essentially in the interest of the poor man—is put into effect by the Justiciar on his tour. Here are sheriffs and bailiffs being summoned to appear before him simply on complaint of the countrymen. If he does not hear presentments systematically in every county which he visits, he at least hears informal complaints of oppression along these equitable lines. In what shape did complaints reach him in cases where the localities did not formally present? There is no explicit mention of any bill in Eyre¹ or petition, oral or written, to the king,² but from the opening of the trial of the bailiffs of Brill it is clear that he had received notice of the grievances some time before the case was heard, since the initial words run ‘the sheriff was commanded (*praeceptum fuit vicecomiti*) to cause to appear on this day,’ &c. It seems quite probable that some sort of written petition (*supplicatio*) was presented, upon which the Justiciar may have had the defendants summoned into court. Now the very numbers and status of the villagers of Brill make it very unlikely that they sued by writ of personal trespass against the offending bailiffs; and their plea is not in the form of a presentment; still less is it a criminal appeal. One after the other, the villagers simply appear and state their grievances. Is it not likely that this is an example of what is to prove a steadily increasing body of poor man’s cases heard without writ? The various instances of this kind of equitable procedure which occur during the following year add to the probability.³

It would be more accurate to call this procedure a development than an innovation; for while it is difficult to trace this type of complaint in the Assize Rolls of the ‘forties and ‘fifties, informal complaints are far from uncommon *coram rege*⁴ and, to all appearances, in the Exchequer Court of

¹ For a discussion of this important subject, see *Holdsworth*, iii. 337-42.

² Cf. L. Ehrlich, *Proceedings against the Crown*, in *Oxford Studies*, vi, 82-96. On the difference between bill and petition, cf. J. Tait, *E.H.R.* xl, 272.

³ Especially A. R. 1188, mm. 13, 14 (complaints against a bailiff of the earl of Gloucester), 20, 22.

⁴ *Bracton’s Note-book*, cases 16, 256, 269, 365, 489, 723, 808, 835, 1062, 1167, 1170, 1171, 1269, 1436, 1503, 1597. *inter alia*.

Pleas.¹ Furthermore, if we go back to a period before procedure had been crystallized by a large number of new writs, the reign of John, and take Simon de Pateshull's Assize Rolls for 1202-1203, we shall find complaints of an interesting and peculiar character made before the itinerant justices. They are not complaints of personal trespass, nor are they intended to take the place of an ordinary action which is begun by writ. They are really petitions to the justices, stating that the ordinary mechanism of justice has in some way been thwarted or has broken down, and needs rectifying. A Northamptonshire litigant complains that a certain man is not holding to the fine made between them some while back, and the justices decide to let him have a writ for inquest to be made into the details of the case.² A certain Ralph of Yarmouth and Alice his wife complain that Alice's uncle is occupying land of which she had been seised in dower, and accordingly ask for seisin of it; in the margin is written 'ad iudicium quis eorum habere debeat seisinam desicut ambo petunt seisinam', which seems to show that the complainants were not sure of the exact nature of the remedy which they ought to seek and are asking the justices how they ought to proceed.³ The best example is the case of a Lincolnshire man who complains that the *recognitores* in an assize held before the Justiciar, Geoffrey FitzPeter, at Northampton, allotted his opponent, William Britton, more land than had been specified in the judgement of the court; the defendants denied this and the judges referred the case to Geoffrey, who 'bore witness both orally and by writ' that Britton had only

¹ e.g. Exchequer Plea Roll 1 b (1259-60), m. 5, John Turbervill complains of Nicholas de Henred, sheriff of Berks., for seizing 20 quarters of threshed corn. The large number of administrative cases probably begun by simple complaint in the early Exchequer Plea Rolls are worth detailed investigation. See esp. no. 1 b, m. 6 d. (Geoffrey de Cruce, sheriff of Surrey and Sussex), m. 10 (Geoffrey Norman, bailiff of William de Mycheldever, sheriff of Surrey and Sussex), m. 10 d. (Roger de Bolebroc, bailiff of Geoffrey de Cruce); no. 1 c, m. 4 d. (Simon de Aslakiston, sheriff of Notts. and Derby), &c. For Exchequer Court of Pleas in its early stage, see C. H. Jenkinson, 'Records of Exchequer Receipts from the English Jewry' (*Transactions of Jewish Historical Society of England*, vol. viii), p. 51, and *Holdsworth*, i, 231-5.

² A. R. 817, m. 1 d.

³ Ibid.

been awarded so much, and the other recognitors concurred; whereupon the defendants 'were attached to be before the Justiciar to answer why they came and said that they had not given the said William more than $1\frac{1}{2}$ acres of land and 1 messuage as lord Geoffrey bears witness that they had so awarded; and the sheriff and the whole county bear witness that they (defendants) in full county court had given William more than that whereof the boundaries have been noted in the sheriff's roll'.¹ We see entertained and forwarded to the Justiciar a complaint that the machinery of justice had gone wrong. Yet Simon de Pateshull will not entertain an ordinary complaint of personal trespass unless the complainant can produce proper suit. 'Et nullam [sectam] produxit; et Robertus [defendant] venit et defendit; et ideo Willelmus in misericordia pro falso clamore.'² I have not seen enough Assize Rolls of the period to generalize confidently on this point: but it would appear that at the beginning of the century, at any rate, a complaint is liable to concern some failure of justice, whether in the trial of a case or in the operation of the award. Probably it was written in the form of a petition and so forwarded to the proper authority. Professor Powicke, in suggesting that the Bill in Eyre might be regarded as a petition, has pointed out that numerous written petitions can be traced from the reign of John, which might be forwarded to the king, the Council, the treasurer, chancellor and individual councillors, and were frequently

¹ A. R. 438, m. 6. 'Alexander de Pointon' queritur quod Ricardus collector, Baldricus de Muston, Andreas filius Sudhard, Bricius, Robertus de Grimeserof, Laurentius de Muston, recognitores assise capte inter ipsum Alexandrum et Willelmum Brittonem coram domino G. filio Petri apud Norht', plus terre dederunt eidem Willelmo quam ipse Willelmus recuperavit versus eundem Alexandrum per assisam, unde idem G. filius Petri ore et brevi testatus est quod predictus Willelmus non recuperavit per assisam illam plus quam 1 acram et dimidiam et 1 mesuagium, et hoc idem testantur quidam alii recognitores eiusdem assise; unde predicti Ricardus et Baldricus et alii iiij attachiati fuerunt ad esse coram Iusticiario inde responsuri quia venerunt et dixerunt quod ipsi non dederunt predicto Willelmo plus quam 1 acram terre et dimidiam et 1 mesuagium sicut dominus G. testatur se ea dedisse. Et vicecomes et totus comitatus testantur quod ipsi in pleno comitatu plus terre ei dederunt, unde divise notate sunt in rotulo vicecomitis. Et ideo consideratum est quod ipsi custodiantur.'

² A.R. 478, m. 5.

presented to the justices in Eyre, as is borne out by the passage of Bracton 'in adventu iustitiariorum ad omnia placita . . . pertinent ad eos audire querelas singulorum et petitiones, ut unicuique iustitia fiat'¹. Now the Justiciar of the Provisions of Oxford is, one might say, a justice *ad omnia placita*; the variety of cases upon his rolls proclaims it. He does not need a special commission to entertain a particular type of case: he can hear everything. It seems most likely that when he did not hear formal presentments hundred by hundred, that is, in the months before the returns to the inquest of 1258 had been made and during the following summer, he tried these complaints against officials as well as against private individuals for personal trespass upon simple petition from the aggrieved parties, forwarded to him a short time before the trial and perhaps read over at the opening of the court.

Miss Cam suspected that further investigations might reveal earlier instances of *querelae* in connexion with special inquests, so that the origin of the procedure could be carried back beyond 1274, and she gave an early instance in a membrane of *Placita de querelis de transgressionibus* from a Huntingdonshire Eyre Roll of 1261.² Her suspicions are justified both by the headings and by the cases in the Justiciar's rolls. His record for Kent, analysed above, which is dated Hilary 1259, is headed *Placita de Assisis, iuratis et querelis*, and on the eighth membrane begins its special section on the results of the Inquisition, 'Placita de querelis coram Hugone le Bygod, Iusticiario Anglie.'³ In his Surrey roll there are besides the presentments *querelae* also. But,

¹ *E. H. R.* xxx. 332 (in his review of Mr. W. C. Bolland's *Select Bills in Eyre*, S. S.). A Chester Eyre Roll of 1288 shows that a 'bill' was the name for the petition for a liberty put forward at the general Eyre, and the suggestion has been made that 'bills' were originally the procedure for claims of liberties and franchises only, but as this method was found convenient and popular it was extended from 1278 onwards as the method of putting forward complaints of the very varied kinds given by Mr. Bolland as examples of Bills in Eyre. Cf. R. Stewart-Brown in *E. H. R.* xxxix. 85.

² *Op. cit.*, p. 137, and n. 1. Cf. Prof. Tait's remarks in *E. H. R.* xxxvii. 574.

³ This point is noticed by Mr. Richardson, *op. cit.*, p. 55, n. 5. On p. 60 he prints one of the Kent *querelae*.

above all, if we may look forward for a moment, it was this very procedure by *querimonia* that was to be adopted for the important special Eyre, planned after the bachelery had made its complaint in 1259, in order to follow up the Provisions of Westminster and to deal adequately at last with administrative grievances, the instructions for which are on the Close Roll of 44 Henry III¹ and are embodied in the version of the Provisions given in the St. Albans Additamenta. The justices, as a letter to the sheriff of Huntingdon shows,² were to go out *ad audiendum omnes querelas de transgressionibus quibuscunque factis et ad quedam alia placita specialia audienda et terminanda et ad inquisitiones faciendas de transgressionibus factis tam per ballivos nostros quam per ballivos aliorum et etiam inquisitiones alias secundum articulos quos per predictos magnates nostros provideri et dictis Iusticiariis liberari fecimus*. This procedure had been officially sanctioned in the 'Ordinances made by the magnates of the king's council' in March 1259, when the nobles promised to allow complaints about themselves and their officials to be freely made before the justices. 'Ne nus nel destourberons par manaces, ne par poer, nen autre manere nuli kil ne puisse franchement pleindre sei de nus et de noz, et suire sa querelle; ne maugre ne li save-rons nel mal ne li querrons, pur ses plaintes ne pur ses suites.'

Our evidence, then, for 1258-1259 suggests that there may be two kinds of complaint. There is the complaint as the result of the Inquest, formally investigated and enrolled by the four knights and examined by the Justiciar in Surrey, Kent, and Hampshire; and there is the *querela* of an individual or of individuals against royal or seignorial officers, or against other private individuals, brought on grounds of *personalis transgressio* and presented, we may surmise, by petition to the Justiciar. The latter does not bear a direct relation to the inquest, but is heard from the same motive as prompted that inquiry—the desire to meet the grievances of the smaller tenants and to provide an easy and elastic method by which those grievances might be expressed. It represents the simplest, most informal, and cheapest way of obtaining justice.

¹ Given in full in Chap. III.

² Close, 44 Hen. III, m. 18 d.

CHAPTER III

THE LEGISLATION OF 1258-1259 AND THE EYRE OF 1259-1260

§ 1. *Legislation, 1258 to 1264*

THE last chapter was concerned with the Justiciar's activities in the counties: in the present we shall leave him for a little and turn to the legislation of the reformers. What idea are we able to form of the work of the Council during the eighteen months following the Parliament of Oxford? It is very frequently assumed that nothing of any importance was drafted or published before the autumn of 1259. But a study of the texts of the Provisions and Ordinances issued between June 1258 and October 1259 will show that what are commonly called the Provisions of Westminster were in part based upon preliminary enactments of the preceding period. Let us first enumerate the various Provisions and Ordinances which eventually culminate in the statute of Marlborough, and then examine briefly a number of texts which have come to light for the years 1258 and 1259. This list must be provisional, for research may add to their number or correct the dates which in some cases here are only tentatively assigned. The interrelation of nos. 1-5 has been discussed later on in connexion with the texts of the documents themselves.

<i>Place and Date.</i>	<i>Heading or Marginal Description.</i>	<i>Source.</i>
1. Oxford, 22-23 June.	Provisio facta apud Oxoniam. ¹	Ann. Burton, in Cotton, Vespas. E. iii, f. 80 b, printed <i>R.S.</i> , pp. 440-53, Cot- ton, Tib. B. iv. f. 212 a. ²

¹ The public ratification of the Provisions, published in Latin, French, and English, took place on 18 October. *Foedera*, i. 377-8.

² See the present writer's observations in *History*, vol. ix, no. 35, 191-2.

<i>Place and Date.</i>	<i>Heading or Marginal Description.</i>	<i>Source.</i>
2. (a) Temple, March 1259.	Nova Provisio magnatum anglie publicata apud novum templum mense Marcio anno Regni Regis Henrici xliij ^o propter communem utilitatem tocius regni et ipsius Regis de cuius consensu et voluntate processit ipse (<i>sic</i>) provisio et publicatio.	MS. Cotton. Nero D. 1, f. 82. Three clauses printed <i>Chron. Maj.</i> vi (<i>Addimenta</i>), p. 496.
(b) „	Providencia baronum Anglie anno regni regis Henrici xl secundo. De sectis curiarum.	Cambridge Univ. Library, MS. Mm. 1 : 27, f. 73b.
3. Temple, 22 Feb. 1259, published 28 March 1259. ¹	Ordinaciones facte per magnates de concilio Regis.	Patent Roll, 43 Hen. III, m. 10, printed <i>Foedera</i> (1816), i. 381 : cf. <i>C.P.R.</i> 1258-1266, 19.
4. (a) Westminster Hall, 13 Oct. 1259.	Anno ab Incarnacione Dñi MCCL nono, Regni autem Henrici regis filii Regis Iohannis xliij ^o , convenientibus apud Westmonasterium in quindena sancti Michaelis ipso Domino Rege et Magnatibus suis, de communi consilio et consensu dictorum Regis et Magnatum facte sunt provisiones subscripte per ipsos Regem et Magnates et puplicate in hunc modum. ² (Latin.)	Close, 44 Hen. III, m. 17 d. Printed <i>S.R.</i> i, 8-11, and <i>S.C.</i> , pp. 390-4.
(b) „	Provisiones baronum (French) : at end :—‘ Ces sunt les purveances et les establissimenz fetz a Westmoster al parlement a la Seint Michel par le rei et Sun Conseil et les xij par le commun conseil esluz par devant le communance de Engleterre, ke dunke fu a Westmuster le an del regne Henri le fiz le rei Johan quarantime terz.’ Item provisiones quae supra in Latinum (Latin translation up to section x of cl. xix in the French). ³	Ann. Burton, f. 88; printed <i>R.S.</i> , pp. 471-9. Ann. Burton, f. 91; printed pp. 480-4.

¹ Embodied in letters in French directed to every county of England.

² In margin ‘De Provisionibus factis per Regem et Consilium suum’.

³ With the addition of the clause ‘Si clerik seit rette de mort de home’, &c., which figures as no. xxviii.

<i>Place and Date.</i>	<i>Heading or Marginal Description.</i>	<i>Source.</i>
(c) Westminster Hall, 13 Oct. 1259.	Provisiones nove Baronum subscribuntur hic, tam de Iusticiariis itinerantibus, quam de singulis articulis iusticie et pacis qui et latine scribuntur et gallice.	MS. Cotton. Nero D. 1. f. 138 b. Cf. <i>Chron. Maj.</i> (<i>Addimenta</i>), vi, p. 512, and <i>Flores Historiarum</i> ii. 437.
(d) „	Providencie legum facte apud Oxon' per dominum Henricum regem filium regis Ioh. et barones anglie in Anglia anno r.r. H. xl tercio: de sectis curiarum (Latin).	Cambridge Univ. Library, MS. Mm. 1: 27 f. 75.

The two years that follow witness (i) the attempt of Henry to settle his financial differences with Simon de Montfort,¹ and conjointly (ii) the king's struggle for constitutional and administrative freedom² which begins in 1260 with his reconciliation with his son at the end of the April Parliament (in which he had brought forward reasons why he should not observe the Provisions)³ and takes the form first of successful negotiations with the Curia resulting in the Bull of Absolution from the Provisions (13 April 1261, shown to the barons on 12 June⁴), and secondly of administrative changes beginning with the removal of those appointed by the barons to the king's household⁵, a change of Justiciar and Chancellor, and the resumption of royal castles⁶. On 9 July, 1261, the king appointed his own sheriffs in the counties, a step which caused disturbances in the country and forced him to justify his

¹ Bémont, *Simon de Montfort*, p. 196, n. 1, gives a list of these attempts, from 5 February 1260 till 12 June 1262.

² 'Impuissant contre l'homme, Henri III fut plus heureux contre les idées qu'il représentait'. Bémont, op. cit., p. 189.

³ *Wykes*, p. 125.

⁴ *Wykes*, p. 128. The 'literae' are probably the first bull, but they may be the letters absolving the magnates from their oaths sent from Rome and Viterbo in May (*Foedera*, i. 406).

⁵ 'Et amovit omnes de familia sua quos barones apposuerant', *Wykes*, p. 129.

⁶ Close, 45 Hen. III, m. 11. This resumption may have been undertaken in many places by the king in person, apparently shortly before the June Parliament. Cf. *Flores Historiarum*, ii. 469: 'tunc temporis volens dominus rex a iuramento prius praestito tamquam absolutus resilire, audacter circuit per civitates et castella, volens eorum et totius regni sui plene possidere dominia. . . .'

action by an appeal to local loyalty¹. His action had raised the whole question of the Provisions; and a solution of the problem of their appointment was almost bound to carry with it some settlement of the wider constitutional issue. To this, after a sharp clash in October, when the Council substituted 'Keepers' of the counties for the king's sheriffs and the king retaliated by ordering his own sheriffs to remain in office, the winter months were devoted. Two 'compromises'—as a Close Roll reference terms them²—were arrived at. The first was an agreement made on 21 November 1261 sealed with the seals of the bishop of Worcester and the royalist bishop Giles Bridport of Salisbury, prescribing a committee of six (three from each side)³ who agreed to a scheme by which the king and Richard of Almain were to choose one of four nominated persons from each county as sheriff⁴. Though the king was appointing sheriffs during the early months of 1262⁵, the scheme does not appear to have worked, and a new body of six, with a different personnel⁶, was

¹ *Flores Historiarum*, ii. 473, a passage omitted by the Rochester text (Nero D. 2). 'Et hoc anno tumultus et seditio fit in populo per comitatus Anglie pro novorum vicecomitum institutione, singulis in pagis per regem positorum, prioribus videlicet, quibus per barones et communam terrae fuerant prius commissi comitatus, regia remotis indignatione; sed comitatum comprovinciales quorundam optimatum regni iuvamine animati et consilio suffulti, necnon et sagacitate magna edocti, novos repulere viriliter vicedominos, nec eis quicquam intendere volebant nec respondere' (cf. *Royal Letters*, ii. 192). 'Propter quod igitur rex Henricus, gravi mentis anxietate turbatus, ad devotionem plebis excitandam fidelitatemque capescendam, universis comitatibus Angliae dirigit epistolas valde motivas ad pietatem populique sibi subiecti revocandam benivolentiam....' The 'Letters' may be the manifesto in *Foedera*, i. 408. For a later attempt (summer 1262) to turn out the royal sheriff in office for a baronial nominee see *C. P. R. 1258-1266*, 220.

² Close, 46 Hen. III, m. 10d. They were kept in a box in the Wardrobe.

³ 'In quos compromiserunt sicut in arbitros ordinandi super praemissis provisionibus et aliis regni negotiis.' *Osney*, p. 129.

⁴ *Royal Letters*, ii. 198. Richard wrote to the king on (?) 28 Dec. 1261 thus: 'Ceterum de comitatibus Anglie vobis significamus quod iuxta provisionem nuper factam, prout in compositionis forma continetur, quod quilibet comitatus qui mittere curet et vellet ad vestram praesentiam quatuor milites debeat... et ut unus ex eis per vos in vicecomitem eligatur, et hoc erit in crastino Epiphaniae Domini, ut intelleximus.'

⁵ *C. P. R. 1258-1266*, 198, 202.

⁶ The original six were, on the king's side, the bishops of Salisbury and Hereford, and John Mansel; on the baronial side, Mr. Robert de

appointed to draw up another plan. The second 'compromise' is their report which stated their utter inability to agree and put the decision into the hands of Richard (29 January 1262)¹ who gave it in favour of the king. In February and March Henry was doing his best at the Curia through John Mansel² and Roger Lovel³ to counteract baronial propaganda⁴ and secure particularly effective letters revoking the Provisions. His success leads to—

<i>Place and Date.</i>	<i>Heading.</i>	<i>Source.</i>
5. (a) 2 May 1262.	Proclamation of his freedom from all restraint, and declaration that he is not bound to observe his oath to the Provisions.	Close, 46 Hen. III, m. 11d. <i>Foedera</i> , p. 419.

This, though on the surface it may appear contradictory to, is not really inconsistent with,

<i>Place and Date.</i>	<i>Heading.</i>	<i>Source.</i>
5. (b) Early in May 1262, renewed about 28 May 1262.	Confirmation of a limited number of articles of the Provisions. ⁵	<i>Wykes</i> , p. 130.

Marisco, Dean of Lincoln, Earl Roger Bigod, and Peter de Montfort. *Osney*, p. 129. The second six were: on the king's side, the Justiciar Philip Basset, Robert Walerand, and Walter de Merton; on the barons' side, John de la Haye, Richard Folyot, and Richard de Midelton. *Foedera*, i. 415.

¹ *Foedera*, *ibid.* 'Cum igitur nostra potestas ulterius se non extendat in praemissis, vos, utpote ad quem exnunc pertinet diffinitio negotii predicti, inde faciatis et statuatis quod vestra veneranda discretio viderit convenire.' I agree with the view suggested to me by Professor Powicke that Wykes (p. 130) in attributing the scheme of Nov.-Dec. 1261 to the end of April 1262 (*in quindena Pasche*) may have muddled the chronology.

² *Royal Letters*, ii. 206.

³ *Ibid.*, p. 208. 'Super revocatione praefata meliores et efficaciores quam unquam pro vobis a sede apostolica obtente fuerint, non absque gravibus expensis, nec non laboribus et angustiis, impetravi.' The first letters were not wholly satisfactory 'quia quaedam additiones et clause in favorem procerum et baronum ac totius regni Anglie praelatorum ad depressionem vestrae celsitudinis in eisdem extiterunt inserte.'

⁴ *Ibid.*, p. 210.

⁵ 'In quindena Paschae convenerunt barones apud Londoniam tractaturi cum rege; et post multos tractatus concesserunt quod a pluribus articulis contentis in providentia Oxonie resiliarent, si quosdam eorum eis confirmaret.' Henry's declaration of his freedom may have been part of a bargain with the earl of Gloucester (cf. Richard's letter to Henry in *Foedera*, i. 420, 'pro dicto inter vos et comitem Gloucestrie') in which he promised the earl that he would observe a certain number of them. This promise Richard seems to have thought (see his letter, as above) that Henry would not keep.

After this stroke Henry escaped from the turmoil of compromises and settlements to Burgundy and solitude.¹ On returning in December 1262 he found the situation changed for the worse against him. Circumstances compelled him to return to the Provisions once more, and we get the following texts:

<i>Place and Date.</i>	<i>Heading.</i>	<i>Source.</i>
6. (a) Jan. or (more probably) Feb. 1263.	<i>Novae constitutiones regie post Parliamentum Oxonie.</i> Anno domini MCCLX secundo Regni autem domini H. Regis fil. Reg. Ioh. xl septimo de mera et libera voluntate ipsius domini Regis in plena et libera potestate ipsius interveniente consilio fidelium edite sunt per ipsum dominum Regem constitutiones subscripte ad reformationem et meliorationem regni sui et per ipsum publicate ac observationi auctoritate sua generaliter demandate. Reissue of Provisions with additional clauses and variations as in 6 (b).	MS. Bodl. 91, f. 135. Cf. <i>Summary Catalogue of Western Manuscripts in the Bodleian Library</i> , ii. 101 (No. 1891) ² and Hardy, <i>Descriptive Catalogue</i> , iii, 158 (No. 266). ³ For date cf. A.R. 363 (Kent) m. 27 where the Justices on Eyre receive, between Nov. 1262 and 9 Feb. 1263, these provisions and are bidden to publish them.
6. (b) Jan. or Feb. 1263, published 12 June.	Anno domini MCCLX secundo Regni autem domini H. Regis fil. Reg. Ioh. xl septimo de mera et libera voluntate ipsius domini Regis in plena et libera potestate ipsius interveniente consilio fidelium edite	Patent Roll 47 Hen. III. m. 13 (schedule) variants from and additions to Close Roll text

¹ See the very interesting letter of John Mansel in *Foedera*, p. 422. 'Dominus autem Rex, licet adhuc debilis, semper perseverat in pristino proposito suo, videlicet ut peregrinationes suas perficiat per partes Burgundiae varias et remotas, quod sine dubio penitus est contra consilium nostrum' (John Mansel was unwell at the time) . . . ; instead of taking Mansel's advice and returning to England 'nos (J. M.) per literas et nuncios suos sollicitare non cessat ut ad ipsum, iam circa partes Remenses ut intelleximus existentem, modis omnibus accedere debeamus, revera quasi solus est et neminem de terra sua secum habet'. Henry crossed on 14 July (*C. P. R. 1258-1266*, 226).

² Which describes these Provisions as the 'Statutes' of Westminster. The chronicle which the Provisions follow is from 1202-1277 identical with the Annals of Winton (*Ann. Monast.* ii) and continues them from 1277 to 1280.

³ Where the opening and ending phrases are given without any attempt to identify the text.

sunt per ipsum dominum Regem
constitutiones subscripte ad reformationem et meliorationem regni
sui et per ipsum publicate ac observationi sua auctoritate generaliter
demandate.

(of 1259) printed
as foot-notes in
S. R. i, 8-11.

The Provisions were nominally, if not actually, in force during the summer and autumn of 1263¹ until the Mise of Amiens. After the first part of the ensuing '*turbacio*' ending in Lewes we reach

<i>Place and Date.</i>	<i>Heading.</i>	<i>Source.</i>
7. Worcester, 13 December 1214.	Carta Regis Henrici facta Communitati regni Anglie. ² Reissue of Provisions with additions made in 1263 and final clause enjoining proclamation and observance as in Cambridge text of Provisions 1259.	MS. Cotton Claudius D. II f. 125 b. ³ A printed copy in <i>Reg. Malmesburiense</i> (R. S.), I. 52 et seq.

Of these texts 2 (*b*), 4 (*d*), and 6 (*a*) have not yet been analysed, and 2 (*a*) and 4 (*c*) have only received cursory treatment. It will be seen that the additions to the series printed in the *Statutes of the Realm* or the *Select Charters* come from a Cambridge manuscript and from the *Liber Additamentorum*; it would not be quite accurate to imply (as the editor of the *Flores Historiarum* was inclined

¹ See *C. P. R. 1258-1266*, 268-9, 271-2 (when *custodes pacis* are appointed to see that the disturbances 'by occasion of the Provisions and statutes made at Oxford not being observed which the king wills to be fully observed and kept' are quelled, pp. 274-8 (pardons for trespasses against Provisions of Oxford); and the very interesting and highly outspoken pardon to Robert Walerand on 17 Sept. 'about the breaking of chests lately committed at the New Temple, London. And if he transgressed against the Provisions of Oxford, he did it by the king's command and will', p. 279; though in October the king was declaring that he 'did not intend to infringe the Provisions in any way', p. 290.

² Headed by a writ to the county of Middlesex: 'Henricus dei gratia Rex Anglie etc., Archiepiscopis etc., et omnibus aliis de comitatu Middlesexie salutem. Cum dudum ad reformationem et meliorationem regni nostri provisiones et constitutiones subscriptas per vicecomites nostros singulorum comitatum nostrorum per Angliam publicari et per totum regnum nostrum firmiter observari praecepimus ac eedem provisiones et constitutiones occasione turbationis nuper habite in regno ipso nondum fuerint observate nos eas iteratas praesentibus duximus inferendas et per totum regnum nostrum praedictum publicandas sub hac forma: ¶ De Sectis faciendis,' etc. Paragraph marks are in blue and red.

³ For this MS. see H. P. Riley, *Munimenta Gildhallae Londoniensis*, ii, Introd., pp. ix-xxiv.

to do)¹ that the Provisions of Westminster are to be found in the same form there as in the Annals of Burton.

The second text in this list is that of a baronial provision dated, probably in error, 42 Henry III and following the statute of Merton in a Cambridge University Library manuscript noted in the *Statutes*² and examined by the late Professor Maitland for the copy of the Court Baron which it contains. Maitland characterized it as 'a very important and curious book, consisting of legal treatises and statutes, written for the most part, it would seem, by one man, though probably at different times', and ascribed the greater part of it (which is written in a single hand) to the last decade of the thirteenth century.³ On f. 67b is entered a series of twenty-two epochs from which the battle of Evesham is dated, beginning with the creation of the world and ending with the battle of Lewes. Before this stands the statement which Maitland quoted for evidence of its authorship:

Anno regni regis Henrici fil. reg. Ioh. xlix et anno domini mclxv ad pentecosten scripta fuit hec subsequens pagina in capella sancti Edwardi apud Westmonasterium⁴ et extracta a cronicis in quodam parvo rotulo per manus Roberti Carpenterarii de Hareslade et hic hec scripsit.

Of Robert Carpenter nothing seems to be known; but as the same hand seems to have written into the book alike the Statutes, the *Curia baronum*, and also some extremely interesting

¹ 'They (the Provisions) will be found in French and Latin in the Burton Annals, ii. 437.'

² i. lxi. Described, not always correctly, in C. U. L. *Catalogue of MSS.*, iv. 117-19.

³ *The Court Baron* (S.S.), pp. 6, 7. 'It . . . seems from the statutes that he (the author) has copied, that he must have lived through a considerable part of Edward I's reign, though, as we have just seen, he was writing on this book as early as 1265. It also contains (f. 78) a collection of precedents not unlike, though apparently unconnected with, that of John of Oxford . . . and from the dates which occur in this one would infer that it was compiled in or about 1268. Also it contains (f. 122) a set of precedents for criminal proceedings before justices in Eyre which suppose a crime to have been committed in the 9th year of Edward I (1280-1) and on several occasions cites the opinions of Roger de Thurkelby, a judge of Henry III's reign.'

⁴ This must be the St. Edward's Chapel in the Infirmary of the Conventual buildings at Westminster and not the Chapel of St. Edward built by Edward of Westminster in 1253-1254 (Close, 37 Hen. III, m. 22).

notes on procedure headed (on f. 76 b) '[sequitur] de foro saeculari sive laycali et primo de cuiuslibet placitis' and (likewise) '[sequitur] de criminalibus placitis coram Iusticiariis itinerantibus', a little treatise on pleading and procedure in the Eyre, we may surmise that Robert, if this is indeed his autograph, had a very close connexion with the law, and may have been, perhaps, a justice's clerk at Westminster. He may have listened to Roger de Thurkelby on the Bench or have travelled with him on one of his tours, for, as Maitland pointed out, here and there he cites Thurkelby's opinions. Now this judge, who must have been at Oxford in June 1258,¹ was one of the three ordained to hold the Bench in October that year, was on circuit with the Justiciar in 1259, and in August 1259 was one of the select body of judges mentioned in an entry in the Close Roll to whom alone 'special Justiciaries' might be committed.² From the approval with which he is spoken of in the *Flores Historiarum* we might imagine him to be in sympathy with the baronial party.³ At any rate Robert Carpenter, whether or no he had any connexion, official (as we should like to think) or otherwise, with the justice, has copied into his little book a very interesting document. It is identical—with certain slight verbal discrepancies—with the (in the MS.) unfinished *nova provisio magnatum anglie* (no. 4) of the following March. The identity has led me, after much hesitation, to assign its publication to the same

¹ C. R. R. 158, m. 12 (a plea in the Oxford Parliament). 'Et Abbas (de Mellifonte) venit coram domino rege apud Oxon' a die Sancte Trinitatis in unum mensem et coram comitibus baronibus et omnibus iusticiariis Anglie ad magnum Parlamentum ipsius domini regis. . . .'

² Close, 43 Hen. III, m. 7 d. Cf. *Bracton's Note-book*, i, Introd., p. 20. 'This seems to mean that a commission to take this particular assize or to hear that particular action is only to be granted to one of the judges here named.' These 'special commissions' may bear some relation to the Eyre launched by the Provisions of Michaelmas 1259, as all the judges so selected were employed upon it. For Thurkelby cf. Dugdale, *Origines Juridicales*, Chronica series, p. 17, and Foss, *Judges of England*, ii. 484. For his judicial activities on assize, *C. P. R. 1258-1266*, passim.

³ ii. 450. In the notice of his death on 24 Aug. 1260 he is called 'nulli in toto regno maxime in iusticia et terrae legibus secundus'. On the day of his death he was 'diu expectatus ad bancum'. For Thurkelby's sympathies cf. also Mat. Par. *Chron. maj.*, v. 211, 317, and *Bracton's Note-book*, Introd., p. 24, where Maitland noticed that Thurkelby told Matthew Paris of his dread of the Poitevin favourites.

month as the Ordinances made by the Magnates of the Council (no. 3), for reasons shortly to be adduced.

Its interest is twofold. It is apparently a set of regulations of a tentative and provisional character drawn up 30 March, 1259, to which both parties, the king's and that of the barons, have contributed. The opening sentence, 'sic iustum et conveniens esse videtur', and the beginning of cl. vi, 'Videtur autem conveniens', are not couched in the peremptory language of a statute; and the very significant expressions 'Provisum est insuper a domino Rege nec non a proceribus contradictum', 'unde etiam contradictum est', 'contradictum est etiam', 'sic a proceribus contradictum est', suggest a debate in the Council, the royalist side making a proposal and the baronial party on their side (*contra*) confirming, adding to, or qualifying it.¹ The other point of interest lies in its content. The opening part down to *De turnis vicecomitis*, dealing especially with the relations of lord and tenant in the matter of suit, is the basis of the opening clauses of the Provisions of Westminster.² Suit must be done as specified in the charter of enfeoffment. Those tenants whose charters expressly mention a fixed quantum of service in lieu of 'every kind of service and due' (*pro omni servicio et consuetudine*) are from henceforth to be free of suit: all whose holdings at the time of the Conquest or before time of legal memory obliged their holders to do it are to continue to fulfil the obligation, unless they have been quitclaimed; but on the other hand tenants quite recently distrained for suit by great lords (*magnates*), when no mention of it is made in their charters and the practice has not been sanctioned by long-established custom, are not to be compelled to perform it further. The second clause, enacting that a single suit only shall be done by an inheritance owing one suit when it falls to co-parceners or a number of feoffees, is the foundation of the

¹ An examination of the text (Appendix V) shows that 'contradicere' does not always literally mean 'to contradict'. Contra is sometimes used as in 'contra-breve', 'contra-rotulus'.

² Cf. Petition of the barons, cl. 24 (*S. C.*, p. 377). 'Item petunt remedium de sectis de novo levatis in regno tam ad comitatus et hundreda quam ad curias libertatis, quae nunquam alio tempore fieri consueverunt.'

second clause of the Provisions; and the third, providing for a case where the rules in (1) and (2) are violated either by lords exacting suit wrongfully or by tenants wrongfully withholding it, foreshadows the third of the Provisions; but the king's first crossing to Brittany is neither here nor in the first clause made the date before which suit regularly performed is to be termed 'customary' and the provision in the Close Roll version of the Provisions ruling that damages for withdrawal on the part of the tenants during the time of the lords' predecessors are not recoverable by the present lords is omitted.¹ The next clause exempts prominent landholders from the sheriff's tourn,² and the baronial party (if our hypothesis is right)³ add the proviso that all who have holdings sufficient to guarantee their being peaceful and law-abiding persons shall not be punished for non-attendance if they can show good cause. Fines for Beaupleder, it was agreed on both sides, were to be abolished,⁴ a clause forming the fifth paragraph of the later Provisions. Pleas of dower called *unde nihil habet* and those of *darrein presentment* and *quare impedit* should be heard at intervals of three weeks, 'lest contrary to justice patrons of churches be defrauded'. Exemptions from jury service were not to be absolute when the presence of the exempted on an assize was essential. The action or writ of entry *sur disseisin* was from henceforth not to be confined to the degrees,⁵ a specimen of

¹ *S. R. i. 9 a.* 'Et hoc scilicet de dampnis recuperandis intelligatur de subtractionibus sibi factis et non de subtractionibus factis predecessoribus ipsorum.' The omission of the 'de subtractionibus . . . non' as at first written is curious.

² Petition of the barons, cl. 17 (*S. C.*, pp. 375, 376). 'Insuper dicunt quod vicecomites ad duos turnos suos per annum demandant personalem adventum comitum et baronum tenentium baronias suas in diversis locis et comitatibus.'

³ 'Unde etiam contradictum est ut qui feoda habent per que satis astringuntur ad pacem et legem observandam non puniantur si ad turnum non venerint, dum tamen eodem tempore infra balliam illam non fuerint ubi turnus tenetur. . . .'

⁴ 'Illud autem concorditer concessum est et contradictum ut fines pro pulcre placitando vel per sic (*for pro eo*) quod non occasionentur de cetero non capiantur.'

⁵ Similarly the last clause stipulates that an action of *mort d'ancestor* may be granted to a ward against any who have entry to land through the guardian by a writ of entry. The abolition of the degrees is the

the new writ being given in the text: a clause which does not appear in the Michaelmas Provisions but is found in the reissue of 1263. Finally, there is a little statement of the principles on which essoins are granted, which shows very clearly the nature of this document. 'Concerning essoins it is befitting that since essoins are granted by benefit of law (*de iuris beneficio*) none be forced to swear to his inability to attend but that confidence be reposed in the word of him who has got himself essoined, according to benefit of law'—evidently a proposal extending to the essoiner of a magnate the immunity from oath which might be granted to the essoiner of a poor man.¹

In this text is to be found much that is to appear in the first ten sections of the Provisions in Michaelmas 1259. Its exact dating is a matter of difficulty. If we accept the manuscript reading *XL secundo*, and set aside the more authoritative and circumstantial version in the St. Albans text, we may regard it as the result of the deliberations of the Twenty-four at Oxford or of the new Council of Fifteen during the debates before 25 October 1258. On the other hand its internal character, tentative as that may be, suggests that it is the result of more observation and discussion than could have been practicable within two or even three months' time from the beginning of the reform. None the less it may well be the outcome of deliberations initiated at Oxford, as indeed a later note in the Cambridge text upon the clauses of the Westminster Provisions concerning suit seems to suggest.² What

point for which Bracton had argued (f. 219 b), though the law had not yet (1258) reached the new form of writ of entry in the *post*. Cf. *Holds-worth*, iii. 12, 13.

¹ Bracton, f. 337 b. 'Ideo ne essoniator oneretur cautione fideiussoria, scilicet plegiorum, quae quidem gravis esset minimis personis et onerosa nec depereat excusatio, constituitur quod soli fidei essoniatoris credatur, quod quidem non est concedendum personis maioribus, sicut sunt illi qui tenent in baronia, qui causationem inveniunt fideiussoriam, ne iudicia sint delusoria: facilius enim inveniunt plegios et securitatem, et maxime cautionem fideiussoriam maiores quam minores.'

² P. 89. I have decided against my former suggestion in *History*, supra cit., that the *Providencia* was the work of the Twenty-four. On that view there would be two issues of this baronial provision: one before October 1258, and the other in March 1259.

then is its relation to (3), the French *Ordinationes factæ per magnates de concilio Regis*, circulated to the counties after their publication on 28 March?

The *Ordinationes* are in the form of letters patent by which the king declared that the barons of his council and the twelve representatives of the community had undertaken for themselves and for their heirs to observe towards their tenants whatever the king had promised to observe towards his vassals. 'The king'—to paraphrase this engagement here quoted in the literal words of its authors—'has granted that any offences perpetrated by his officials shall be corrected: we too will permit any wrongs (*torz*) which we or our own officials have committed to be remedied in like manner by the king or his Justiciar or representatives, cases revealed by process of complaint just as much as the cases which should be tried by writ according to law and custom, like those of freehold.¹ We will not prevent any man freely complaining of us and ours and suing his complaint (*suire sa querele*). In our relations with our tenants and neighbours within our demesnes and franchises we will observe the specific articles (*pointz*) which the king and his officers have undertaken to observe towards his tenants-in-chief embodied in the charters granted by him to them. The same applies to the king's engagements made by the Council between now and All Saints' Day towards his subjects in the matter of suit, amercements, wardship in socage tenure, farms, and other kinds of grant. We will exact from our bailiffs and officials the same oath that was administered to the sheriffs and royal officers and will make them swear it before the four elected knights in county court or in the full sessions of our own courts before those deputed by the Council for this purpose. We

¹ The punctuation of the copy in *Foedera*, i. 381, makes the passage where this is stated needlessly difficult. It reads (Patent Roll, 43 Hen. III, m. 10): 'Nus voloms, grantons et otrions de la nostre part ke lez torz ke nus et nos bailiffs avom fet a noz sugez u a noz veisins seent amendez par le Rei e par sa Justise et par ceus kil iaturnera sanz delai et sanz cuntredit de nus u de noz ce kil trouerunt par pleintes en tel manere ke ce ke covent estre pleide par brief selonc lei de terre, par bref seit pleide sicum il deit sicum franc tenement et ce kapent a franc tenement et en leu ou il deit.'

will make our officials abstain from extortion and prises of all sorts, and will take no money for protecting any man that is not our own.' This very interesting declaration of conformity, a promise to submit to inquiry and to apply within the great franchises what the king was applying without, is dated 'le jour sein pere al meis de Febrer', evidently St. Peter in Cathedra, 22 February 1259. It breathes the spirit of effort in a very necessary direction; and it was just the lack of that effort, the magnates' failure to act in conformity with the king's engagements within their own franchises, that was the point criticized by the bachelery on St. Edward's Day.

One can see at a glance that this February decision of the Council published at the end of March is a very different thing to the *nova provisio* or (its other name) *Providencia Baronum*. It is a charter of promise or undertaking, administrative in character, given legal as well as moral force by publication; the *nova provisio* is an enactment, or at least the germ of an enactment, consisting of proposals touching the land law and affecting the relation between lord and tenant. Why then, if agreed upon in February, were the *Ordinationes* not officially patented and enrolled till the end of the next month? Why not publish them at once? On one view, the reason might lie in the relations existing between Simon de Montfort and Richard de Clare during the latter part of February and March. The violent quarrel between them recorded by the chroniclers took place in the recess after the February Parliament. Now on 14 March Richard de Clare figures as the chief of those who made at London a written agreement with Prince Edward to aid him to recover his castles and lands and the full enjoyment of the rights, both at home and overseas, guaranteed him by charter, an alliance which carried over to the prince's side both the Bigods, the Count of Aumâle, Henry de Percy, Roger de Somery, Robert de Brus, and others.¹ This first step taken

¹ *Hist. MSS. Comm.*, 18th report, p. 16. For the text of the agreement to support Edward, cf. *Report on MSS. of Lord Middleton*, pp. 67-9. The purpose of the agreement was this: 'Ke nus mettran(s) leaument nostre poer en bone fei ke l'avant dit Sire Edward eit hastifment ses chasteus e ses terres en sa main e en sun poer, e ke ses chartres ke le rey

towards breaking up the baronial phalanx may indicate that feeling among the reformers had already arisen against Leicester, which Edward saw could be utilized in his own interests. At any rate it is tempting to place the definite rupture between the two earls at a date shortly after this agreement was signed, e. g. on the 15th or 16th of March, and as a consequence of it; and it is worth noting that the Patent Rolls show that on the 16th Leicester withdrew from standing with Gloucester, Peter of Savoy, and others as one of the sureties for a bond in 3,000 marks to the merchants Ruccus Cambii and Reyner Abbatis.¹ The cause of the ill-feeling must, however, lie deeper, as Matthew Paris saw. It was, he says, during the time following the February Parliament, 'when salutary statutes were being diligently drawn up', that Leicester saw his colleague wavering (*fluctuantem*) and rebuked him for his vacillation.² The famous reproach, 'I dislike living and having intercourse with men so variable and treacherous; we have given our word and sworn to carry out these matters which we are debating', receives special point if it is the *Ordinationes* which were the subject of debate: furthermore, after Leicester had left for France, Gloucester gave way to the very plain speaking of the elder Humphrey de Bohun who told him 'to keep the common statutes more firmly and loyally' and to recall his opponent,³ and consented to send his steward Harvey⁴ throughout his estates to see, as Paris says, 'that the law enacted and agreed upon should be done without delay *according to the form of the new promise*', an indication, it seems, that the Ordinances were the bone of

li ad fetes, ausi bien celes ke tuchent ses besoignes dela la mer cum de cea, soent tenues e parfurnies, solun la tenur de meime celes chartres.' But the editors of the *18th Report* go too far in attributing a political significance to the undertaking. Edward's allies are given as Henry of Almain, Earl John de Warenne, Baldwin de Lisle, Philip Basset, Stephen Lungespee, Robert Walerand, Roger de Clifford, Roger de Leyburn, John de Vaus, Warin de Bassingburn, Hamo Lestrangle, and William la Zuche.

¹ *C. P. R. 1258-1266*, 16, 17.

² *Chron. Maj.* v. 744.

³ *Flores Historiarum*, ii. 424.

⁴ Who had evidently succeeded Walter de Scoteny, now in prison. *Chron. Maj.* v. 737-8.

contention.¹ Whether the *nova provisio* was issued at the same time or not is very uncertain; but it is quite possible that Gloucester did not object to it, as being infinitely less drastic than the purge proposed by the *Ordinationes*, and that in consequence it was published earlier than the 28th. Apart from the action of Gloucester, the conduct of whose bailiffs in East Anglia was investigated in July,² no remedial measures on the part of any other leading men seem to have been definitely recorded. Two years later the justice Nicholas de Turri when in Huntingdonshire was informed that Richard of Almain had consented to remedy the trespasses of his officials before the quinzaine of Easter 1261, and that consequently all complaints and complainants must be referred to him; 'he (the king) has told his brother', runs the entry, 'that he must remedy those trespasses before that date, otherwise the king will have them remedied as justice demands';³ a telling comment on the complaint made at Michaelmas 1259 that the barons had not fulfilled their promise!

The already published baronial enactments considered,⁴ we may now turn to the Provisions of October 1259. The first version, accepted as official and printed in the *Statutes of the*

¹ Stubbs, *C. H.* ii, 4th ed., p. 83, made the very interesting supposition that the undertaking may very well have been 'the result of a victory gained by Simon over Gloucester in the Council itself'. Is it not possible that the victory was gained after Simon had left for France, and was the result of the reaction caused by his departure?

² *C. P. R.* 1258-1266, 53. Note the command to the sheriffs to make proclamation in their bailiwicks that all who wished to complain should come on the day appointed before the justice to *follow their complaints* (exactly the *suivre sa querelle* of the Ordinances) and receive justice and amends.

³ A. R. 343, m. 4 (Hunts.) 'Dominus Rex mandavit quod dilectus frater suus illustris Rex Alemannie ei significavit quod paratus est et erit omnes transgressionis factas per ballivos suos de quibus continget aliquam querelam deferri prout iustum fuerit corrigere citra quindenam festi Pasche proximo futuri. Idcirco mandavit Iusticiariis etc. quod nullas emendas de predictis Ballivis citra terminum predictum capiant sed querelas et querelantes de Ballivis ipsis ad dictum fratrem suum remittant; mandavit etiam eidem fratri suo quod dictas transgressionis citra terminum predictum emendari faciat, alioquin ex tunc prout iustum fuerit dominus Rex eas emendari faciet, etc.'

⁴ There seems no trace of any enactments 'between now and All Saints' Day' (probably taken roughly as the end of the regnal year) on the subject of wards in socage tenure, &c. which the *Ordinationes* promise.

Realm and in the *Select Charters*, is the purely Latin text of the Close Roll, containing twenty-two main divisions. In the Annals of Burton the text, headed *Provisiones Baronum*, follows the account of the protest made by the bachelery to Edward and Gloucester and is in French. A Latin translation of these French Provisions is given up to the tenth Section of cl. xix ('Derichef ke justices seient purvez de aler par la tere'), but with the exception of a single clause both this Latin version and that of the Close Roll entirely omit the remaining French clauses. In these, which we shall consider in detail later, are embodied proposals for the conduct of the forthcoming Eyre and detailed instructions upon the administrative changes immediately contemplated. We might term them administrative articles added or tacked on to the more permanent enactments. Do they occur elsewhere? In the *Liber Additamentorum* the author of the contemporary passage in the *Flores Historiarum* inserted the Provisions under this heading:

'Provisiones nove Baronum subscribuntur hic, tam de Iusticiariis itinerantibus quam de singulis articulis iusticie et pacis qui et latine scribuntur et Gallice.¹'

A well-known passage in his text in which he refers to their insertion in the document book illustrates their character very clearly:

'At that time in London at the general parliament of the barons provision was made about the justices who were to go out on eyre in the immediate future, and the arrangements made for their circuits, in order to publish and establish the provisions of the barons and to deal with offences against those (provisions) which had been recently made; so that by the following Easter the whole of England may be traversed (*circueatur*) and full scrutiny be made concerning all the articles now renewed, which, written in French at the instance of (*per*) the barons, we have thought to commit to writing elsewhere.'

The first part of the Provisions in the Nero text is accordingly devoted to the instructions for and the articles

¹ MS. Cotton. Nero D. 1, f. 138 b. See Appendix VI for transcript.

of the Eyre planned to give effect to the 'renewed' Provisions—that is, one can only surmise, to the new edition of the baronial provision of March 1259 and any other interim enactment of the Fifteen and the Twelve hereby and now combined in one—and to hear complaints of offences against those already published ordinances. It is headed 'Provisio de illis qui de consilio una cum Iusticiariis itinerabunt per diversa loca ad inquisitiones faciendas et transgressiones emendandas vel corrigendas ante pascha anno xliiij^o' (1260).

Both in the Close Roll and the Cambridge text this 'provisio' or part of the Provisions of Westminster stands separately and apart from the rest of the Provisions: in the former it is on the dorse of the next membrane¹ and in the latter it stands just between the *Providencia baronum* and the Michaelmas Provisions. Now in the Liber Additamentorum text this Latin *provisio* is followed by a section in French headed (in red) 'De Wardes, de cuntez e de vescuntes', which contains a number of the French clauses of the Burton text that were omitted from the Latin versions, the important section 'Derichef, ke iustices seient purveuz' &c., down to 'ensement et de messagers ke irunt a Rome' &c., being, however, left out. This section is then followed by a list of the justices and members of the council who were to go on Eyre,² and at length we reach the main legislative part headed 'De sutes de curz a seignurs e purveu issi',³ the clauses in which correspond (except in spelling) with those in the Burton text. But at the end are two in Latin, the one freeing writs of entry from their limitation within the degrees, the other the 'Determinatio de morte antecessorum' which stood last in the *Providencia baronum*. Neither of these found their way into the Close Roll text.

In the Cambridge version⁴ the Provisions are entitled 'Providencie legum facte apud Oxon'. We might paraphrase 'the legal regulations made at Oxford': but there is no hint

¹ Close, 44 Hen. III, m. 18 d.

² Under the heading 'Queus Justices irrunt en quels cuntez'.

³ f. 139 b. Other headings are De Gardes e escuages, Des amer-cimenz.

⁴ MS. Mm. I : 27, f. 75. This is in Latin.

of the administrative clauses found in the Burton Annals of the St. Albans documents, a fact which suggests that *provisio* and *providencia* are not used to cover an ephemeral administrative direction, but apply to permanent law-moulding enactments. At the end of the first clause, *de sectis faciendis*, is the note 'hec constitutio facta fuit apud Oxon' which bears out the title and affords an important clue not only to the origin of the clauses upon suit but also to the question as to what contemporaries meant when they spoke of the 'Provisions of Oxford'. The text of the Provisions, rather carelessly copied, is somewhat fragmentary. There is a large gap (from the third to the sixteenth Latin clause in the Close Roll version) which may imply that a page or strip out of the original from which Robert Carpenter was making his copy had been lost. At the end occurs the clause giving the heads of religious houses the right of action for recovery of goods taken from their churches or conventual houses during the time of their predecessors, which was to appear in the reissue of 1263¹ and finally in the Statute of Marlborough.² Then follow two paragraphs numbered in the series of statutes separately from the Provisions, one containing part of a clause added in 1263 and embodied in the statute of 1267,³ giving one essoin or one default only to litigants in the Great Assize who had put themselves upon inquest; and the other somewhat enigmatically headed '*De cartis vero exceptionis, etc. similem insuper attorn etc.*', which then proceeds to repeat the clause in favour of Abbots and Priors given above, an instance of negligent copying.⁴ Running straight on from this is a writ enjoining the publication and observance of the Provisions exactly similar to the one that ends many texts of the Statute of Marlborough.⁵

Taking these texts together we may, I think, conclude that

¹ S. R. i. 11, n. 11.

² Cl. xxviii.

³ 'De assignatione ultime presentationis etc. De providenciis Oxon' anno supradicto [underlined]. Et sciendum quod si aliquis posuit se in magnam assisam aliquam que emergit vel emergere possit de huiusmodi brevibus . . .' [then as in S. R. i. 9, n. 13].

⁴ The original must have been '*De Cartis vero exemptionis. Similem insuper actionem*' (S. R. i. 11, n. 11).

⁵ Printed S. R. i. 25, n. (a).

the Provisions drawn up at Westminster in 1259 consist (1) of a nucleus of clauses of a more or less permanent character based on enactments made between 22 June 1258 and the end of September 1259, which are to be found in all texts; (2) of instructions for a forthcoming Eyre embodied in the Nero text of the Provisions, but standing apart from the Provisions in the Close Roll and the Cambridge Manuscript; and (3) of proposals circulated, as will be seen, in the counties, for certain administrative changes and innovations both in local and in central government to meet the immediate situation, which are given in the Burton and the Nero texts, but not elsewhere. The changes in the central government we shall not discuss here.¹ Let us examine first the proposals for new local machinery, then the articles of the Eyre, and finally the records of the Eyre itself.

The first of the French clauses of the Burton text, omitted in the Latin Version, provides for an Eyre on which the justices were to be accompanied by 'one of the twelve or others of the community' to see that right was done to plaintiffs (*pleinanz = querelantes*) and to all others; these were to ensure that any ordinances made for the profit of the country should be sent to the counties and there proclaimed as binding. The next point of importance is the establishment of machinery to ensure that the recent instructions to officials as embodied in their oaths did not become a dead letter. This is envisaged in various clauses the interpretation of which is not always clear, but seems to run thus:

First of all, the bodies of miscreants had to be secured—one of the chief difficulties of medieval police arrangements. In order to effect this the powers of the justices in Eyre were to be reinforced. 'Let justices itinerant when on Eyre have the same jurisdiction as the sheriffs; this they are to have as well as their own jurisdiction throughout the Eyre.'² It was

¹ These are elucidated by Professor Powicke, to whom I am greatly indebted, in 'Some Observations on the Baronial Council (1258-1260) and the Provisions of Westminster' in *Essays in Mediaeval History presented to T. F. Tout*.

² 'Justices erranz eient memes le poer ke vescuantes en lur eire; ensement en lur poer demeine par lur eire,'—i. e. they are to have double power: the power of the sheriff and the power of the itinerant justice.

evidently felt that, if the sheriff was out of sympathy with reform or was himself inefficient or fractious, the people who ought to be attached and brought up at the Eyre would go free: for he might refuse to take them into custody or to attach them by their pledges at all. It was now therefore proposed to give the justice the power himself to make attachments and perhaps even to distrain, as the sheriff was normally supposed to do. The barons in their petition had grumblingly called the sheriff on his tourn *Iusticiarius quoad diem*:¹ the justice was now to be *vicecomes quoad diem*. The framers of these provisions clearly had little confidence in the sheriff's ability or will to produce offenders. Hence this precaution, striking on paper, but not perhaps very easy in practice; for the justice would hardly relish becoming an officer of police. In the second place, the local machinery to be established is the subject of some interesting clauses which are not systematically grouped together in the document. The problem felt was how to bridge the seven years' gap from Eyre to Eyre, the time when the counties lay exposed to *gravamina* once more and the memory of the sharp correction had died down. A tentative is to be made thus:²

'In places where the justices itinerant have lately been on circuit, let there be appointed proved and wise men to hear and inquire into all the complaints which can be terminated without writ of seven years therefrom, so that if any one has not made plaint before the seven years and has not had his right he may recover so as to have his right. And let them have power to inquire of the sheriff and their bailiffs how they have behaved towards the country since the ordinances.

'Also let them make inquiry about the bailiffs from the rich men of the land and about the rich men themselves.'³

To use more modern phrasing, a number of complaints could be settled by a good bench of magistrates on the spot; why then should the community have to wait for the Eyre

¹ Petition of the Barons, § 7, *S. C.* 376.

² The translation of these clauses is Mr. Luard's, slightly modified in places.

³ 'Aussi enquerrent des bailiffs as riches homes de la terre e des riches homes memes.'

with its cumbersome machinery? These local magistrates should have power to make inquiries into the conduct of the sheriffs and bailiffs under the new régime; they should take the testimony of the substantial landowner and not listen to frivolous complaints in the village. Yet at the same time they must use discrimination; if one of the big county men did not supervise his bailiffs properly or actually encouraged them in doing wrong for his own advantage it would be their duty to make inquiries about him, as they are the local guardians of right. Now these *prodes homes et sages* cannot differ very much from the four knights whom, in a later clause, it is proposed to use in a similar capacity. The clause runs:

‘It is provided that four knights be placed in each county to see the wrongs which the sheriffs do. If it happens that they commit wrongs, that these four admonish the sheriffs that they cause them to be amended. And if they will not amend them, let them put the wrongs down in a roll, and show them to the chief justiciar at the end of the year, when he shall demand them; or before, if he demands them, if so be that the complainants upon whom the wrongs have been committed are willing to prosecute. And that these aforesaid four knights have no power to disturb the sheriffs from performing their office.’

This would have been a concrete and sensible proposal had there been any guarantee that the Government would act upon the information it received. But the effect of the clause would have been to throw a great deal more work upon the Justiciar and the Chancellor, and collecting and going through those yearly bills would have involved great labour. Still, some supervision of the sheriff, other than Exchequer supervision (which was solely concerned with sums raised and did not generally trouble itself about the way the money came), was necessary, and this provision is a courageous attempt at creating it. The ‘four knights’ who were to be appointed in each county were to be used in another capacity: as a reserve committee from which the sheriffs were to be drawn. The clause which states this lays down the rank from which the new shrievalty was to be elected.

'Let the Chief Justice, the Treasurer, Sir Henry de B. (Bath, J.), Sir Roger de Turkeby (Thurkelby, J.) and the barons of the Exchequer provide this year now what proved and loyal and wise men shall be sheriffs this year. And let them be vavassors of the same counties. And against the next year at the next county court before Michaelmas let there be elected in full county four proved and loyal men and such as shall be profitable to the King and to the county in this office. And let them be at Michaelmas at the Exchequer. And the barons are to take the most sufficient in their estimation.'¹

'E seient vavasurs de memes les cuntez', a phrase occurring both in the Burton and the St. Albans texts, must, I think, indicate the class of man from which the sheriff is to be chosen. 'Let there be', Mr. Luard's translation, breaks the unity of the paragraph and does not convey one radical point of the new proposal—to make mesne tenants, the smaller county gentry, responsible for the work of local government. Whatever precise meaning we are to attach to 'vavasur', the word must connote mediacy, the notion of a grade below the tenant-in-chief and above the lower *liberi tenentes*.² If he is anything like the 'vavasour' of the *Établissements* of St. Louis, he is a manorial lord with a court of his own.³ The signifi-

¹ *Ann. Burton*, p. 478.

² The normal meanings of the word *vavassour* are (a) the *Aftervassal*, the tenant in chivalry next in rank and dignity to the great tenants-in-chief (Liebermann, *Gesetze der Angelsachsen*, ii, pt. ii, p. 704; cf. Spelman, *Glossarium*, p. 549, 'in secundo a Rege gradu quoad tenuræ rationem'); (b) in Normandy, a man of a class like that of the smaller tenants by serjeanty, equivalent almost to the Angevin *militēs agrarii*. (Robert of Torigni, *Chron. Reign of Stephen*, iv. 349; cf. Vinogradoff, *English Society in the Eleventh Century*, p. 62; L. Delisle, *Étude sur la condition de la classe agricole en Normandie au moyen âge*, esp. pp. 5-8, where they are characterized socially as 'les hommes de la classe moyenne, nommés d'ailleurs hommes libres'; and C. H. Haskins, *Norman Institutions*, pp. 19, 103.) For the *militēs agrarii* see F. M. Powicke, *E. H. R.* xxii. 35, who terms them 'stay-at-homes, fixed quantities who tilled their land without the old distractions or temptations of the knights proper'.

³ Ed. P. Viollet, ii. 466. Cf. M. Glasson in *Histoire du Droit et des Institutions de la France*, iv. 744 et seq. 'Comme seigneur, le vavasseur a la basse justice.' The *Ancien Coutumier d'Artois* shows that some vavasseurs had every kind of justice, while in a number of provinces they had it in the 'mean' (moyenne) as well as in the inferior (basse) degree; the judicial competence of the 'vavasseur' seems in parts to have been that of the 'bachelliers' of whom we read in the customs of Maine and Anjou. (Glasson, op. cit. 751.)

cance of these proposals lies in the project to apply the idea of a committee already in existence, if we may take Bracton's word, at Eyre times and on other judicial occasions to the normal business of county administration; to make the extraordinary committee of four knights a more permanent institution, to use them to protect the whole body of *liberi tenentes* in the county. Already the Inquisition of 1258 had pointed the way.

The clearest indication of the non-baronial character of the clauses in the French version is the reliance on *mesne gent del conseil* and *prodes homes* to assist in the work of the central government. 'Be it provided that two or three lesser men of the Council be constantly round the king from parliament to parliament. And at each of the parliaments let them be changed and others put. And let their acts be investigated at each parliament.' There are, strictly speaking, no *mesne gent del conseil*¹, unless the Council has been recast and a more popular element introduced in the Michaelmas Parliament of 1259. Of the *prodes homes*, two are 'to ordain together with the Council of the Exchequer concerning the sheriffs and counties', in the future² to sell the wardships in the king's hand, to help in reforming the 'Great Exchequer' and the Exchequer of the Jews, and to sit with the justices of the bench.

Now, in spite of their difficult and sometimes tautologous phrasing, the general drift of these omitted clauses is perfectly clear. Use, they say, the class of tenant below the great tenants in chief, the men of moderate holdings and wide experience in county administration; use them not merely, as is the custom now, on jury service or for tax assessment and collection, but as supervisors in the normal routine of local government. Must we, therefore, conclude with Stubbs that these additional clauses were omitted from the Latin Pro-

¹ Except in the sense that some were less important than others.

² As opposed to the immediate sale, to be undertaken by the Justiciar, the Treasurer Thomas de Wymondham, Roger de Thurkelby, and Henry of Bath. Notice the further duties assigned to this small committee which certainly included three of the *mesne gent*, though not of the Council. They had to go to the Exchequer and ascertain how much past tallages had brought in, settle the method of procedure in pleas of customs and service, and make decisions about escheats and wardships. Professor Powicke, *op. cit.*, has shown that their control in matters of finance was both real as well as resented by the king.

visions on the Close Roll and never brought into effect because the Council thought the experiment too dangerous? Such a verdict would not be in harmony with the evidence we possess for the other reforming activities of the Council both before and after October 1259. It also fails to take into account three important points. First, a number of the administrative clauses occur in the St. Albans Additamenta as well as in the Burton Annals, as we have shown. How did they get there, if they were not published? Secondly, the opposition offered by supporters of the baronial party to the Justices on Eyre in 1261, on the ground that they had come 'contrary to the Provisions of Oxford', can only be explained if we assume that the rule violated was the French administrative clause of 1259 establishing little committees in the counties to deal with local complaints during the intervals between one Eyre and another.¹ Thirdly, and perhaps most important of all, the very strong *central* control prescribed by some of the administrative clauses was the very point against which in 1260 the king complained in a series of grievances put forward by him against his Council, that are preserved in the Cottonian manuscript which gives us our only alternative copy of the Provisions of Oxford. According to these the king complains that the Council had diminished the issues of his kingdom, and receives the reply from the Council that a committee had been formed of the Justiciar and others to guard the king's interest in matters of wardship and marriage, and apply the proceeds to paying his debts and the expenses of his household; 'and so it was done in the time of Sir Hugh Bigod, as long as the king permitted it, and so it can be done now, if the king pleases.'² A number of the royal complaints are against the appointments made by a group of five electors in the Council;³ but perhaps more significant still is the king's allegation that he had no power over his seal, and the Council's reply that so far from this being the case the king was granting away his wardships and escheats and enfeoffing people by charter, 'which, if it please him, he ought not to do according

¹ *History*, art. cit., pp. 198-9.

² Tiberius B. iv, f. 214 b-215.

³ f. 215-215 b.

to the covenant he made with them' (the Council).¹ Still, the absence of the administrative clauses from the Close Roll must imply that they were dropped at some date not long after 1259, and other indications suggest that the early summer of 1260 may have been the time.

Let us now turn to the Eyre projected by the Provisions of Westminster. The detailed instructions to the Justices are vitally important revelations of the policy of the Council when confronted with a pressing demand. In the last chapter we quoted part of a writ of November 1259 to the Sheriff of Huntingdon, which makes it clear that the bulk of the business on this visitation is non-writ business, that procedure will be by *Querimonia*. The personnel of the justices is extremely interesting; judicial committees of visitation would be an almost more accurate title, for the *Provisio de illis qui de consilio una cum Iusticiariis itinerabunt*, an adjoining entry on the Close Roll,² makes the composition of those committees clear. There are to be six parties, each consisting of a regular justice, a member from the Council elected for the purpose, and a member of the twelve by the community, from their respective bodies. The Provision is so important that even at the risk of repetition it is worth quoting in full in the official text.

'The Provision made concerning the members of the Council who will go on Eyre through different parts of the country to make inquisitions and correct wrongs done. To the effect that six of the king's Council are to be elected, each one of whom is to journey with one of the twelve and one of the justices to be chosen for this purpose through the counties in one of the six areas into which England is to be divided, and inquire into trespasses there, according to the articles which they will take with them as ordained by the Council; and let them plead writs of deforcement of dower, that is in the case of tenements where the husband of the woman was in seisin when he died, and of darrein presentment, of *mort d'ancestor*, of novel disseisin, and of attainit. So that if these pleas cannot be finished within so short a time they may

¹ f. 216: 'et de ceo qil dist qil nad poer de son seal al lour semble qil ne fait poynt semblaunt, car il donne sez gardes et sez eschetes et feffes gentz par sa chartre la quele il ne doit pas fere si lui plect saunz ceux de conseil solont la couenaunt qe lour ad feat.'

² Close, 44 Hen. III, m. 18 d.

adjourn them—except the pleas of novel disseisin—before the Justices of the bench.

‘Let the sheriffs be instructed by royal writs to proclaim publicly in cities, boroughs, and markets that all who wish to complain of trespasses done to them within the past seven years which have not previously been terminated before the Justices and can be so terminated without writ, except pleas of the crown where the party appealed or arrested is in gaol, are to come before the said Justices at day and time specified in the king’s letter aforesaid.

‘Let them bring before them on the said days and places twelve knights or other free and lawful men of every hundred to whom the Justices are to deliver on the first day the articles of inquiry and are to assign another reasonable day, that is the morrow of Epiphany, on which they are to return before them with their verdict and the articles.

‘According to the complaints made and the need arising therefrom let transgressors be summoned or attached that they be before the Justices at the times when and the places where the twelve return with their verdict: so that they come without essoin unless there be good reason that can be ascertained through their neighbours why they should be essoined.

‘Let public proclamation, as aforesaid, be made that all who after the last parliament at Oxford have given anything to any bailiffs, royal or otherwise, to the intent that justice might be hastened or delayed on their account, reveal the fact immediately to the said Justices. Otherwise, if they are found out through others, they may be grievously punished, as it is contained in the provision made by the Council.¹

‘Let public proclamation, as aforesaid, be made that all who have been bailiffs of the king or of the magnates within the last seven years come before the Justices on the morrow of Epiphany.

‘If any wish to complain of sheriffs or their bailiffs for any instance of oppression or trespass done to him or of hospitality exacted or prises taken contrary to their oath and contrary to the articles contained in the provision made by the Council, then after security taken for prosecuting let full justice immediately be done to the complaining party. And let this be done in the case of magnates and of their bailiffs, if their lords, when requested to do so, do not do justice to whosoever complains about them. And let the same hold good if any wish to complain of trespass done to him against the liberties

¹ No trace of this particular ‘Provision’ seems to have survived.

contained in the Great Charter of Liberties, since the last parliament at Oxford.

'Let inquiry be made whether the bailiffs of magnates who are keepers of hundreds held from the king at fee farm have taken the oath in all respects as the sheriffs and other bailiffs of the king did in the past year, to the effect that they would serve the king faithfully in matters that pertain to him and his liberties and their lords in matters pertaining to them and their liberties and domains, and that they would observe the other articles contained in the king's letters sent during the past year throughout the counties.¹

'Let inquiry be made what liberties, what geldable towns or markets have been withdrawn from the king's hold without warrant and how long ago and by whom. And let the justices have with them the rolls of the inquisitions on the king's rights made three or four years past in the autumn,² and likewise the rolls of the inquisitions lately made by the four knights.³

'Let inquiry be made concerning malefactors and their receivers, if any magnate or other person in return for any gift or payment receive any who is not his man under his advocacy or protection against the man's lord or neighbour after the feast of the Purification in the 43rd year.'

Now these instructions are remarkable for two particular reasons. First, the justice is to be accompanied by members of the Council or of the Twelve; which meant that to the professional was to be added the unprofessional and equitable element, in order to compose a tribunal especially suitable for the hearing of cases which equity rather than strict application of law had to decide. In actual practice, however, projected arrangement of the little visiting committees does not seem to have been preserved. There are only two panels of three commissioned, the Earl of Warenne, John de Grey, and John de Wyvill (J.) for Somerset, Dorset, and Devon, Roger de Monte Alto, John de Verdun, and Gilbert de Preston (J.) for Shropshire and Stafford, Warwick and Leicester. In three cases a member of the Council alone was to accompany the justice, James de Audley⁴ with Giles de

¹ Probably the letters containing the *Ordinationes magnatum*.

² The appointment of the justices in 1255 is dated 22 June, *C. P. R.* 1247-1258, 438.

³ The inquiry of 1258, Chap. I, pp. 23-34.

⁴ His place was afterwards taken by Philip Marmion.

Erdington, Hugh le Despenser with Nicholas de Turri, and Humphrey de Bohun, senior, with Bracton.¹ A writ issued to Hugh le Despenser appears to imply that for the purpose of preliminary business of the inquiry the councillor had only to send a clerk to accompany the justice, but on the day when the verdicts were returned he had to be present in person.² In one instance, however, neither councillor nor member of the twelve was commissioned. The Justiciar or his deputy was to do the business alone in London and Middlesex, Essex and Hertfordshire, Sussex and Hampshire. Yet, however much the composition of the committees varies, it is certain that some attempt was made to give effect at least to the spirit of the Provision *E seit un des duze ou des autres del commun pur veer ke dreiture seit fete al pleinanz et a tuz autres*,³ even if only one of the Council and not one of the Twelve is added.

Secondly, there is the important fact that here for the first time procedure by *querimonia* is authorized in an Eyre which was to embrace the greater part of the country. For the longer formulary method of pleading by writ is substituted a more direct and less rigid method of gaining access to justice, one open to the smallest and the poorest freeholder, involving no expense and very little delay. Yet it would be wrong to jump to the conclusion that every kind of grievance could be dealt with by *querimonia*. That the *querelae* embraced only certain types of cases seems clear

¹ The justices and their areas are as follows: Hugh le Despenser (afterwards Englefield) and Nicholas de Turri for Oxford, Berks., Wilts.; John de Warenne, John de Grey, John de Wyvill for Somerset, Dorset, and Devon; Humphrey de Bohun, senior, and Henry de Bretton for Glos., Worcs., Hereford; Roger de Monte Alto, John de Verdun, Gilbert de Preston for Shrops., Staffs., Warwick, Leics., and Lincs.; Henry de Bathonia and William de Wilton for Norfolk, Suffolk, Cambs., and Hants; Hugh le Bigod ('per se ipsum vel per alium quem ad hoc providebit') in London, Middlesex, Essex, Hertford, Sussex, and Hampshire.

² Close, 44 Hen. III, m. 18d.: 'Mittatis etiam aliquem de clericis vestris usque Oxon', qui ibi sit die Veneris proxima post festum Sancti Nicholai una cum predicto Nicholao (de Turri) ad predictas querelas audiendas. Mandavimus enim prefato Nicholao quod predictas querelas tunc audiat et ad predictum crastinum epiphanie coram vobis et se ipso atterminet.'

³ *Ann. Burton*, p. 476.

both from the wording of the Close Roll and the cases in the Assize Rolls for the next two years. In the Close Roll it is stated that the *transgressiones* of the past seven years about which complaint might be made are those *que coram Iusticiariis antea non fuerint terminate et que terminari possunt sine brevi*. Now in the Assize Rolls the bulk of *querelae* (practically, though not all without exception) relate to cases of administrative misgovernment, miscellaneous offences where a writ may or may not have lain. These will in due course be investigated, but a caution is at this stage necessary against too sweeping a view of the scope of the complaints. To judge by an already quoted passage in the *Flores Historiarum*,¹ it was anticipated that the Eyre would have covered the whole of England by Easter, 1260. But that it had not done so is clear from the issue of a writ in June postponing it in certain counties till after Michaelmas, owing to the scarcity and famine.² The scarcity was probably a valid excuse, but two significant entries on the Close Roll suggest a further explanation; Hugh Bigod about to start for Sussex at the beginning of June is detained on 'difficult and urgent business for the king', while on the seventh of that month a writ of summons was sent to Philip Basset bidding him come to Westminster with horses and arms (*in quin-dena Sancti Iohannis Baptiste*) because the king has to dispose of certain difficult business touching the peace and tranquillity of the kingdom.³ Henry was evidently attempting to throw off the baronial yoke, and the presence of the mercenaries whom he had imported into the country and left on the Surrey side of the river when he went to meet his parliament on April 30⁴ indicates that he was ready to try

¹ ii. 437, 'Ita scilicet quod infra Pascha proximo sequens tota circueatur Anglia.'

² The counties to which the order applied were Norfolk, Suffolk, and Lincolnshire (Henry de Bathonia and William de Welton), Staffordshire and Shropshire (John de Verdun and Gilbert de Preston), Gloucestershire, Worcestershire, and Herefordshire (Humphrey de Bohun and Henry de Bratton), Middlesex and Hampshire (Hugh Bigod); Close, 44 Hen. III, m. 14 d.

³ Ibid.

⁴ *Ann. Dunst.*, p. 214. While abroad he had heard that de Montfort was importing horses: *Foedera*, i. 396.

a fall with de Montfort. These facts suggest that the famine (*caristia*) may not be the sole reason for the cessation of the Eyre. It will be shown, however, that we possess the record of progress already made in the Eyre in Essex and Yorkshire, Warwick and Leicester; and from a later plea of *unde nihil habet* we know that Giles de Erdington and James de Audley went into Northamptonshire.¹ In spite of the king's restlessness in the summer some sort of attempt was made to carry on the Eyre after Michaelmas, for evidently Henry, as we see from his reconciliation with Edward and with Earl Simon² and his decision to refer matters of dispute between himself and the earl to arbitration,³ decided not to resort to force.

§ 2. *The Assize Rolls of 1259-1262.*

The extant Assize Rolls for the next two years may be thus classified:

County Rolls.

1259 (December)
Essex
A. R. 236 A. Placita de Assisis
et iuratis et Querelis coram
Hugone le Bygod.

1260 (New Year)
Warwick
A. R. 953. Placita de Iuratis
et Assisis apud War' in cras-
tino Epiphanie anno xliij.
(evidently before Verdun and
Preston J.).

1260 (Hilary)
Leicester
A. R. 456. Placita de Iuratis
et Assisis coram J. de Verdun
et G. de Preston. Querele.
Deliberatio gaole.

1260 (Hilary)
Yorkshire
A. R. 1049. Placita de Assisis
et Iuratis coram Hugone le
Bigod.

County-group Rolls.

Essex and Kent: Dec. and Jan.
1260. A. R. 1189. Placita de Iuratis
et Assisis et querelis coram H. le
Bygod, Placita Corone.

¹ A. R. 616, m. 13 (1261). 'Et Hugo venit et alias venit coram Egidio de Erdington et Iacobo de Audithel' tunc Iusticiariis ad transgressiones emendendas assignatis.'

² *Flores Historiarum*, ii. 447-8.

³ *E. H. R.* xxxvii. 80.

*County Rolls.**County-group Rolls.*

1260 undated

Sussex¹

A. R. 911. Placita de iuratis
et assisis et transgressionibus
coram Hugone le Despenser
Iustic' Anglie.²

A. R. 537. Placita Forinseca
coram H. le Despenser Iustic'
Anglie apud London'.

1261 Cambridge

A. R. 82. Placita de Assisis.
Placita Forinseca.
(Apparently N. de Turri.)

1260, 1261 A. R. 1190. Assisae
coram J. de Kava.

Hilary?

Huntingdon

A. R. 343. Placita Coronae et
de Iuratis et Assisis. Querele
de transgressionibus. (Turri.)

1260-1265 A. R. 1191. Assisae et
Iuratae coram Nicholao de Turri
et aliis.

Hilary

Oxford

A. R. 701. Placita de iuratis
et assisis coram Gilberto de
Preston, Martino de Little-
biri et Galfrido de Leukenore,
Iusticiariis itinerantibus apud
Oxon.

1261, A. R. 1192. Iuratae et Assisae
coram G. de Preston et aliis.

(Trinity)

Northampton

A. R. 616. Placita de Iuratis
et Assisis coram N. de Turri,
Roberto de Brus et Ada de
Grenvill Iustic' Itinerantibus
in North'.

1261-1262. A. R. 1193. Assisae
coram G. de Preston et aliis.

1262 Hertford

A. R. 321. Rotulus Placitorum
de Iuratis et Assisis.

A. R. 322. Placita Forinseca
coram N. de Turri.

1262 (Nov.) Kent

A. R. 363. Placita de Assisis
iuratis et querelis coram N.
de Turri, W. Bonquer et
sociis suis.

¹ Originally given in P. R. O. *Lists and Indexes*, no. iv, under Middlesex, but corrected in handwriting.

² 'Die dominica proxima ante festum scte Lucie virginis anno etc. xlv.'

The county-group rolls in this list are not of great importance; they contain assizes and juries held at different times under commissions, and are not rolls of the Eyre. But the rolls for Essex, Warwickshire, Leicestershire, and Yorkshire appear to be the records of the special Eyre ordained in the Provisions of Westminster; and the two Sussex rolls, to judge by the large number of complaints which they contain, may be records of the same Eyre also, though of the period when Hugh le Despenser was holding Hugh Bigod's office of Justiciar. The official postponement can hardly be an argument against such a view, since it appears not to have applied to the county of Sussex; and the fact that the first roll of Sussex pleas was heard in London can be explained without difficulty. On the other hand, the rolls for the counties of Huntingdon, Cambridge, Oxford, Northampton, and Hertford, together with that of Kent, seem, from internal evidence and from the references in the Patent Rolls to the justices in these counties, to be rolls of a general Eyre which was launched in 1260-1261, the commissions for which are on the Close Roll.¹

The internal evidence from both groups needs a little consideration. The Essex rolls, Nos. 236 A and 1189, are not duplicates in the full sense of the word. Both contain the pleas heard before Hugh Bigod and Roger de Thurkelby² at Chelmsford, on Saturday, 6 December 1259, but these cases are arranged differently on the membranes of the respective rolls, and 1189 in several cases gives the sequel, *postea venit*, or

¹ Close, 45 Hen. III, m. 26 d., m. 13 d. There are commissions on 24 Nov. 1260 to Gilbert de Preston, Giles de Erdington, Martin de Littlebury, and Geoffrey de Leukenore to hear all pleas of the crown and all other pleas and assizes in Oxford, Berks., Glos., Worcs., Hereford, Shrops., and Staffs.; to Roger de Somery, Nicholas de Turri, Nicholas de Haudlo, for the counties of Cambridge and Huntingdon; and in 1261 to William de Wilton, Nicholas de Turri, Gilbert Talbot, Robert de Briwes (Brus), and Adam de Greynvill to hear all pleas in Northampton, Beds., Bucks., Essex, and Hertford (m. 13). In addition quittances are issued to prominent individuals in Berkshire and Hampshire (m. 22 d.). These thirteen represent a complete change from the personnel of the justices as constituted for the special Eyre in the Provisions; the members of the Council have dropped out.

² On the cover of no. 1189; 236 A, m. 1 gives Hugh Bigod's name alone.

post idem Iohannes finem fecit, etc.¹ No. 236 A is headed (m. 1) *Placita de Assisis et Iuratis et Querelis captis apud Chelmeresford coram Hugone le Bigod, Iusticiario Anglie, die Sabbati in festo sancti Nicholai anno quadragesimo quarto*, and goes on to record a mixture of assize and complaint of the types mentioned in the instructions for the Eyre of 1259 which we examined above. No. 1189 carries on the story over into the new year (1260). On m. 10 stands the heading *Adhuc de Assisis et querelis in reditu Hugonis le Bigod apud Stratford*, and on m. 10 d. we find *Adhuc de Assisis et querelis in reditu Hugonis le Bigod in comitatu Essexie Scilicet die mercurii in crastino sancti Hillarii apud Stratford anno xxxxiij.* The Essex pleas continue² as far as m. 14, on which are recorded *Placita de Assisis comitatus kancie et querelis de lesto de Sutton' coram H. le Bigod Iusticiario Anglie die Sabbati proxima post festum sancti Botulphi, anno xliij* (20 June 1260). Whether Bigod heard any other Kent pleas it is hard to ascertain, but membranes 14 and 15 cannot represent the whole of the cases from that county. At any rate, the nature of the cases in these two rolls puts it beyond dispute, I think, that both are records of the special Eyre. The Warwickshire and Leicestershire rolls we can attribute with confidence to the same *iter*. In both those counties the cases are heard by John de Verdun and Gilbert de Preston, the justices to whom they were allotted by the Provisions of Westminster, and in both there are special sections of *Querelae* following the assizes which come first in order.³ And if we look attentively at the complaints and compare them with those in the roll of Nicholas de Turri for Huntingdon (A. R. 343) an important point emerges. The

¹ m. 4, m. 4 d., 6 d. In the last case occur the words 'Postea in Octabis Sancti Hillarii apud Westmonasterium venit predictus Iohannes etc.'

² Note, on m. 13, the heading 'Rotulus de corona coram Hugone le Bigod, Iusticiario Anglie, in diversis locis anno xliij.' The pleas are all Essex cases, but are not presentments hundred by hundred.

³ In A. R. 953, mm. 1-6 contain assizes; on m. 6 the heading is 'Adhuc de querelis apud Warr', and the complaints follow. In no. 453, mm. 1-7 contain assizes; and the *Querele de comitatu Leicestrie* begin on m. 7, the hundreds from which the complaints come being written in the margin of the roll.

1260 complaints are *terminated* by the justice: when they come before him they are in their second stage, as it were, and have already been collected and sifted as the Provisions required. But in the Huntingdonshire roll the final words 'Ideo attachietur' frequently occurring show that the complaints here are simple statements of grievances made for the first time, upon which the justice issues the order of attachment. A case in the Warwickshire roll will illustrate the former point:

'Robert of Leicester who complained on behalf of the Prior of Coventry about Peter de Montfort and others concerning unjust distresses and other trespasses, so that the said Peter and the others were attached to answer the said Prior in the matter of the said trespass and have now come and offered themselves against the said Prior;¹ and the said Prior comes and disavows (*deadvoat*) the said complaint and asserts in defence that the said complaint was never made by his agency (*per ipsum*). Therefore the said Peter and others are to go quit and let Robert be committed to gaol. Afterwards came the said Robert and made fine for ten marks, pledges Richard de Staunton and John de Sokebergh.'²

Here is a complaint in its advanced stage. It has been formally made (by attorney), defendants have been attached, and all is ready for the Justiciar when he comes *ad audiendum et terminandum*. This is the character of the complaints in 1260 as contrasted with any that may occur later, and incidentally on the rolls of 1261 and 1262. Moreover, the rolls of 1261 and 1262 contain pleas of the Crown, hundred by hundred, of a familiar type.³ The complaints are far fewer and in their first stage, the business far more varied than in the rolls of 1260, and the personnel of the presiding justices has changed. There still remains, however, the question of the Yorkshire and the Sussex rolls. The Yorkshire roll is very late in the year—it begins in September 1260,⁴ and it is a little difficult to see why Bigod should desert the home counties and go so far north to visit York-

¹ The sentence is impressionistic and incomplete, but the sense is clear.

² A. R. 953, m. 7.

³ e. g. A. R. 701, beginning m. 19; A. R. 343, beginning m. 11.

⁴ A. R. 1049, m. 1.

shire. Yet there are a number of important *querelae*, ready to be terminated, upon it, and the roll is clearly not one of the general Eyre. The Sussex rolls are very late also, but they are so full of administrative complaints that they can scarcely be classed with the later Eyre group. The area allotted to Bigod in the Provisions included Sussex; and it would be natural to Hugh le Despenser to take over his judicial duties in that county when the change of justiciars was made. If this classification (which cannot be regarded as entirely satisfactory) is accepted, we might provisionally classify the county rolls as follows: nos. 236 A, 1189, 953, 456, 1049, 911, and 537, as immediately relating to the Provisions of Westminster; and nos. 82, 343, 701, 616, 321, 322, 363, as being the records of a general Eyre. If this will stand, the fact that a number of records of the Eyre ordered by the Provisions have survived makes it highly probable that already by June 1260 at least some part of the country had been traversed; and therefore does something to explain the opposition offered to the justices in 1261, whether by contemptuous default or by formal protest.¹ The people at Hertford who protested that the new Eyre was 'contrary to the Provisions of Oxford' evidently had in mind the clause of the Provisions of Westminster which provided for local hearing of grievances *in places where the justices had recently been on circuit*; for further evidence will be adduced below to prove that the 'Provisions of Oxford' include what are commonly known as the Provisions of Westminster, as indeed we have already had reason to suspect and as one scholar has already suggested a short time ago.²

§ 3. *The Querelae of 1260 and 1261.*

In two respects the complaints of 1259-1261 differ from those proffered in 1259. They are directed against the officers of great magnates more generally than against royal

¹ At Worcester the justices found neither litigants nor criminals awaiting them: *Flores Historiarum*, ii. 472. At Hertford the supporters of the baronial party claimed that the justices had come *contra formam Provisionum Oxonie*: Nicholas Trivet, *Annales* (Eng. Hist. Soc.), p. 248.

² H. M. Cam, *op. cit.*, p. 84.

officials; and they are now and then based upon the Provisions of Westminster, showing that the Provisions had clearly made an impression in the counties. Naturally there is a good deal of local variation. In Warwickshire, Leicestershire,¹ and Huntingdonshire it is the sheriffs Alan de Swynford and William Maunsel whose misdeeds are the chief subject of complaint; in Essex, royal and seignorial officials alike share the blame. In Sussex, probably in Northamptonshire,² and, to a less degree, Cambridgeshire, the seignorial bailiff or seneschal of the magnate himself is the party arraigned. Again in Yorkshire neighbour complains of neighbour and grievances against municipal authorities are recorded. As has been already mentioned in the section of the inquest of 1258, the comparatively full reports of the cases enable us to distinguish between the true and the fictitious plea, and there is evidence to show that so wide an invitation to state grievances as had been given in 1259 provoked a number of complaints which were purely malicious or had been already brought in a different form under writs before itinerant justices or justices of the bench, although the terms of the invitation expressly excluded such cases.³ It has been thought advisable to give at the end of this study⁴ a selection of cases from the county of Sussex, and here comment will only be made upon a limited number which illustrate the more salient and characteristic points in the grievances.

In Essex the presentments deal in some detail with seignorial officials. Four bailiffs of the Earl of Gloucester have charges brought against them, one for forcible ejection,⁵ another for unnecessary distraint,⁶ another for wrongful detention of cattle which died in the bailiff's keeping,⁷ a fourth for assault and battery.⁸ A bailiff and sub-bailiff of Peter of Savoy are up for wrongful capture and detention of

¹ In A. R. 953 mm. 7-9 there are presentations of Peter de Montfort's bailiff, and of the constable of William de Noreys.

² We have only the roll for 1261 (Nicholas de la Tour's Eyre) and not for 1260.

³ e. g. A. R. 456, m. 10 d.; no. 953, m. 7 d., m. 9; no. 616, m. 5 d. among others.

⁴ Appendix IV, p. 353.

⁵ In A. R. 236 (A) m. 1 he is sent to gaol.

⁶ Ibid., m. 1.

⁷ m. 2 d.

⁸ m. 3 d.

horses, for the release of which they extorted ten shillings;¹ a constable of his has taken a villager's cow outside his fee.² John of Wendover, the bailiff of Roger of Brywell, is fined fifty marks and sent to gaol for arresting people on suspicion and then extorting money from them for their release, and for setting free felons arrested for robbery.³ The bailiff of the abbot of Waltham is put in custody for wrongful imprisonment of a man for seven weeks;⁴ tenants did not scruple to present their lord himself, for William of Mountchesney has three pleas of debt confronting him.⁵ Complaints against royal bailiffs in the county are very vague and sweeping, the only definite charge being that they have been putting persons on assizes and juries and then taking money for permitting them to remain at home.⁶ The charges are all of the type which one is accustomed to meet and which sound to our ears comparatively petty, though to the villager they meant a good deal. Nor are those brought against former sheriffs of Warwick and Leicestershire unfamiliar to students of medieval administrative methods. To take money for putting the king's writ into operation,⁷ to imprison a victim till he pays for release,⁸ to distrain a township for the chattels of felons when your own bailiff has got them all the time,⁹ to take a bribe for 'dealing gently' with a man who should be distrained to take knighthood,¹⁰ are regular methods of extortion which had probably been practised for years. Leicestershire, however, shows one instance of the parties in the normal *querela* being reversed, when the bailiff of a former sheriff, Anketill de Martivaus, complains of a certain Master Robert le Paumer for resisting distress ordered by the Exchequer in summoning him before the Courts Christian and procuring his excommunication.¹¹ The *querela* evidently could be a two-edged weapon.

¹ A. R. 236 (A) m. 3. ² m. 3 d. ³ m. 5. ⁴ m. 4 d. ⁵ m. 3, m. 6.

⁶ m. 4 d., m. 6, m. 6 d. The usual formula is 'convictum est per iuratum quod A dum fuit ballivus in hundredo isto posuit quamplures in assisis et iuratis et cepit redemptionem de pluribus quod possint domi remanere et pluria alia dampna intulit patrie dum fuit ballivus que per iuratum non possunt estimari'.

⁷ A. R. 456, m. 9.

⁸ Ibid.

⁹ m. 11 d.

¹⁰ A. R. 953, m. 6 d., 'ut mitius cum eo ageret'.

¹¹ A. R. 456, m. 9 d.

Very few medieval assize records can equal in interest the two rolls of Sussex complaints heard before Hugh le Despenser at the end of 1260 and the beginning of 1261. It is curious that London should be the place where the cases in the second of these rolls should be brought, but the explanation is not hard to find. The roll is almost entirely made up of suits in which Peter of Savoy's liberty is concerned, and Peter, an important member of the Council and tied by business to London, had to be brought in to warrant the action of his bailiffs Geoffrey de Brayboeuf and John de la Rede. Brayboeuf is the principal culprit in the cases heard in London, de la Rede and other seignorial bailiffs in the other record which continues the story of misgovernment and relates to cases heard by the Justiciar in Sussex itself. Apart from their general social interest, some of the cases are extremely important from the legal point of view, inasmuch as complaints are brought under that clause of the Provisions of Westminster which forbade distraint out of fee. They illustrate, first, a practical difficulty found in the way of working that provision: what if the rights of an honour or franchise expressly sanction distraint for offences committed within a certain specified area outside the fee? Are those franchise rights to be respected or can they be appealed against under the clause in question by *querimonia*? Secondly, the position which was probably adopted by magnates who supported their bailiffs when complained of, namely that no complaint could be brought in a case when the rights and liberties of a franchise were involved. These, as being important matters of freehold, called for a writ, and no decision could therefore be taken where the off-hand method of complaint was employed. Otherwise, it would be argued, tenants of every type would be complaining about actions taken by bailiffs and stewards in legitimate pursuance of their lords' rights and there would be no end to the litigation and no security for the lord. The bailiff accused in such a case we find, therefore, pleading *quod non potest libertatem domini sui deducere in iudicium*.¹ These points emerge very clearly in a complaint of the curate of Earldene against

¹ A. R. 537, m. 1. Appendix IV (c), p. 361.

Geoffrey de Brayboeuf.¹ Brayboeuf, the curate says, seized and drove off two of his oxen outside the fief of his master Peter of Savoy, took them to Pevensey and kept them there, refusing to let them go until he came at a future date to Peter's court at the gate of Pevensey Castle to answer to the charges laid against him. The curate was there on the day appointed and Geoffrey bade him enter the castle with him. Once inside, Geoffrey charged him with spying upon his lord's treasure, shut him up in one of the turrets, and then went out to hold the court at the castle gate, 'and there had William (the curate) repeatedly summoned, and when the said William heard it he shouted out that he was shut up in the said turret, and because William appeared not before him at the said court he amerced him 40 shillings'. Now Geoffrey denies the imprisonment, but admits and defends the distraint. The curate had been convicted in his master's court and amerced 40s. for seizing wreck which was lawfully the property of his lord. That was the real story of the fine and the rest as told by the curate was untrue. The curate, however, asks for judgement on the ground that Geoffrey had admitted that he had distrained out of his lord's fee, '*since this is contrary to the law of the land and expressly against the new provision*': and he reaffirms his former charge. Geoffrey pleads that Earldene, where the distraint took place, was within the warren of Peter of Savoy, and within the precinct of the warren he was at liberty to distrain his lord's tenants, as Peter of Savoy's liberties permitted it. But he refused to plead any further on this account without his lord being there to substantiate his evidence. On the question of the circumstances of the distraint both sides put themselves on the country; but instead of the jury's verdict, which we should expect to follow, the record proceeds to give a long statement from Peter of Savoy, when called to warrant by his bailiff. It is worth quoting in full, for it forms an interesting comment on the working of the Provision in question:

'Afterwards came the said Peter of Savoy;² and as for the

¹ A. R. 537, m. 1. Appendix IV, p. 363.

² For Peter of Savoy in Sussex, cf. especially *Transactions of Sussex Archaeological Society*, x. 211; xviii, 142, 144; xxi, 117, 119, 120.

said wreck he vouches for (*bene advocat*) the action of the said Geoffrey and the said distraint carried out without his fief, and alleges that he has the right to make such distraint. He moreover says that he has three principal liberties belonging to the Honour of Mortain and his castle of Pevensey, to wit that all wreck coming to shore between these limits, that is the Forehaven of Pevensey and a certain rock called 'le Wassebece' outside Seaford, is and should be and was ever wont to be his, on whosoever's land it may have come to shore. Furthermore, he says that he has a warren of definite metes and bounds, to wit in lands and tenements which belonged to the Count of Mortain, from whomsoever those lands are now held.¹ He says moreover that he holds the nine hundreds and a half that belong to the said Honour. Besides he says that he has a certain right (*libertatem*) to hold certain pleas at the gate of his castle of Pevensey, to wit that in all offences done to him within the said limits of le Forehaven and 'Wassebece' and within the precinct (*pro-cinctum*) of the said warren and within the precinct of the said hundreds as well, whether they be offences of warren or of wreck, and also in all complaints made to him against any persons on whatever person's behalf both out of his fee as well as within the said boundaries and precinct, as is aforesaid, he and his bailiffs shall make the summons and attachments and hold justice therein at the said gate of the said castle; and this liberty not only the Earls of Mortain who had held the said honour before him, but also the king, after it had come into his hands, and he Peter, throughout his time, had ever enjoyed. Wherefore in the matter of offences done to him in the said warren or offences of his wreck, and also in complaints made to his bailiffs about any persons for whatsoever transgressions committed within the said boundaries and precinct such as are now brought against the said Geoffrey de Brayboeuf and John de la Rede his bailiffs, he supports all the said distresses carried out both without his fief as well as within, provided they are reasonable and not excessive in amount, and he does this by reason of his liberty. On the ground that the said liberty is one belonging to his freehold, he asks judgment if he ought to answer in the matter without a writ. And William by his attorney asks judgment on the ground that he is complaining of a personal

¹ The Honor of Mortain, held by the first two Counts of Mortain, was forfeited in 1106 and then granted, together with Pevensey, to de Aquila. Henceforth it appears that the barony of Mortain = the barony of the Eagle, which Peter of Savoy was granted on April 22, 1246: *C. Ch. R.* 1226-1257, 293.

trespass (*desicut queritur de personali transgressione*), to wit the seizure of his beasts and their detention against gage and pledge; and because the said Geoffrey who avows that distraint wishes to defend himself through the said Peter his lord by calling him to warrant, and the said Peter vouches for the said deed of his bailiff. And (he asks judgment) if Peter should not answer there and then without any writ because the said plea was started on the journey of the chief Justiciar who is able and ought to plead such pleas without writs.¹

A day was accordingly fixed for the parties to hear their judgement, but most unfortunately there is no trace of it in our records.² The issue is, however, clear. On Peter of Savoy's side the defence is twofold. First, the distraint was perfectly in accordance with his liberties and rights; complaint (which should be made in his own court at Pevensey) can only lie where the carrying out of that distraint has been outrageous or excessive: secondly, procedure by *querimonia* is wrong in a case involving freehold. Such a case should be started by writ. On the plaintiff's side, first, the distraint is characterized as illegal because it contravened one of the recent Provisions: secondly, complaint is admissible because (a) the offence complained of is a personal trespass and (b) the case has been already begun before the Chief Justiciar who can hear all such cases without the initiating writ. The last point is interesting and important. If, indeed, it was always within the competence of the Justiciar to 'plead pleas of this kind without writ', we can well understand one reason why the Justiciarship was revived by the reformers of 1258. On the other hand, the phrase may simply refer to the special powers given to Bigod (and therefore transmitted to Despenser his successor) in 1259 for the occasion of the Eyre: but the statement may be merely an incorrect one.

On every charge Brayboeuf and de la Rede defended

¹ 'Qui huiusmodi placita potest et debet placitare sine brevibus.'

² A very similar case, John de la Ware *v.* John de la Rede, occurs on m. 3 when Peter of Savoy comes and makes exactly the same statement. John 'petit iudicium de hoc quod cognoscit (sc. J. de la Rede) quod distractionem fecit extra feodum domini sui. Postea venit Petrus de Sabaudia et respondit ut supra, et petit iudicium si debeat inde respondere sine brevi.'

themselves by sheltering under the wing of their lord. Analysis of the cases in which they are concerned shows that they could generally put up a good case for distraining, now by pleading that the plaintiffs had seized wreck which should belong to their master,¹ now by alleging that offences against the rights of his lord's warren² or forest³ had been committed. Both were often acting quite justifiably, but at times both obviously had gone too far and taken advantage of their position. Brayboeuf is sent to gaol on his own admission that he interpreted Peter of Savoy's rights of warren in such a way as to amerce and distrain a villager living within the precinct for receiving fugitives from royal justice, although the so-called 'fugitives' had never been convicted at all.⁴ John de la Rede is able to escape punishment longer, but he sails perilously near the wind. A complaint is brought by a William Marmiun, under the clause of the Provisions which forbade fines for *beaupleder*, against John to the effect that he exacted forty shillings for fair-pleading in Peter of Savoy's hundred of Longbridge; and a further complaint that he had made William and his men pay twenty shillings towards the repair of a certain bridge that had been broken and kept the money for his own use. Now on the first charge John can avail himself of the sheltering wing. The jury affirm that he took the money solely for his lord, 'to maintain him in seisin', for before John became bailiff Peter of Savoy was in seisin of forty shillings paid annually for *beaupleder*, and regularly collected at the two law-days.⁵ So he gets off, since the court respects Peter's seisin and will not open the larger question which Marmiun had perhaps hoped to see discussed, namely whether fines for *beaupleder* should be admitted at all, however long they might have been sanctioned by custom;⁶ on

¹ A. R. 537, m. 3, m. 1.

² m. 1.

³ m. 1 d.

⁴ m. 1 d. 'Et Robertus [the plaintiff] dicit quod ad dominum regem pertinet misericordias et forisfacturas capere pro transgressionibus factis in warennis et non ad alium nec debet aliquis huiusmodi placita placitare sine brevi domini Regis.'

⁵ A. R. 911, m. 3 d. 'Dicunt quod predictus Petrus dominus ipsius Iohannis fuit in seisina de predictis xl^s solidis annuatim percipiendis ad duos anni terminos scilicet ad duos Laghedays.'

⁶ Another case where immemorial custom comes into conflict with the new Provisions.

the second charge, relating to the money levied by the bailiff for repair of the bridge from the jury's account, John appears to have turned what had evidently been a gift, made on one occasion out of pure good nature, into a custom which he enforced solely for his own profit, and he has accordingly to satisfy the plaintiffs.¹ But he is caught at last and his captors are no less persons than the barons of the Cinque Ports.² An important complaint, which shows that procedure by *querimonia* was used by the great as well as by the humble, sent him to gaol. The story may be briefly told. A wine ship had been wrecked outside Pevensy and a number of tuns of wine washed up on the shore. There had been a rush to secure that wine. The men of the Cinque Ports came and claimed it because, as they said, the barons of those ports had all finds and discoveries along the coast both out at sea and on the foreshore; ³ John de la Rede also claimed it because it landed on that part of the coast which lay within the liberty of Hastings and belonged to Lord Edward and was at the time in the keeping of his lord, Peter of Savoy. No agreement being possible, as a compromise the wine was stored near the shore in the house in question, until the thorny question was settled. But regardless of the agreement John sent his men to break into the house and rescue the liquor. Furthermore, even before he had had the house forcibly entered, he had distrained the two brothers to whom it belonged of a drove of sheep, which he had sheared in order to sell the wool; the whole thing had been done purely out of malice towards the brothers.⁴ The method of pleading adopted by the barons is of some interest. They are seeking

¹ A.R. 911, m. 3d. 'Et quoad predictos xx solidos quos cepit pro reparatione predicti pontis dicunt quod homines predicti Hundredi nunquam facere consueverunt aliquod auxilium ad predictum pontem reparandum nisi scilicet ex mera gratia et elemosina sua et non per aliquam districtionem.'

² A.R. 911, m. 3; App. IV (6), pp. 355-361.

³ Ibid. 'Cum ipsi Barones per libertates suas quas habent per cartas predecessorum domini Regis Anglie habere debeant in costera predictorum portuum Inventiones et Trouueras suas tam in mari quam illas que applicant in litore eiusdem costere . . .'

⁴ Ibid. 'Et quesiti quare tam superfattuosam districtionem fecit, dicunt quod per odium et atiam quam idem Iohannes habuit versus predictos fratres de Bestenovere occasione cuiusdam contencionis inter eos habite.'

amends *de personali transgressione ipsius Iohannis, videlicet de fractione domorum suarum et de cariacione predictorum vinorum que fuerunt in possessione sua contra voluntatem ipsorum*.¹ Now 'personal trespass' is the ground on which other *querelae* were brought against Peter of Savoy's bailiffs on other occasions. Basing their complaints in the first instance on the Provisions of Westminster, the complainants find that the issue involved—generally the continuance of some customary right appertaining to freehold—is too great for immediate settlement; and the tactics of the defendants are steadily to object to such pleas (as involved questions of freehold) being made the matter for a *querela*. So some plaintiffs plead personal trespass and get satisfaction that way; others, however, stand firm to their original pleading and the case is adjourned, since a hasty decision on a point of this kind might be to the prejudice of liberties all over the country.

If only we could trace the conclusion of these adjourned cases and determine the point whether those clauses of the Provisions upon which plaintiffs take their stand, especially that forbidding distraint out of fee, were actually in spite of vigorous opposition enforced, we should add an interesting chapter to the history of baronial reform. The very scanty evidence which we possess suggests that at least one of the clauses was upheld. The Cambridgeshire roll of Nicholas de Turri (1261) shows that the Provision which forbade lords to exact suit of court from their tenants unless mention of that suit were expressly made in the deed of enfeoffment might successfully be made the ground of pleas. The beginning of the following case illustrates the point:

Alexander de Amundevil was attached² to answer John

¹ Ibid. 'Et de predicto Wrecco alias sibi impetrabunt cum viderint expedire.' For the later history of John de la Rede cf. *C. P. R.* 1258-1266, 301: commitment during pleasure to J. de la R. of all the land of Peter of Savoy in Sussex. After Lewes he with others was summoned to London (8 July) 'as the king understands that many enormities have been committed by them and others of the munition of that castle' (Pevensey). Ibid., p. 333.

² Prov. West., cl. 3. 'Si autem contingat quod domini curie tenentes suos . . . contra hanc provisionem distringant, tunc ad querimoniam tenencium illorum attachientur quod ad curiam Regis veniant etc.'

Fymior on the plea wherefore, when by the common council of the whole kingdom of the lord king it hath been provided that none by reason of their tenements be distrained to do suit to the courts of their lords unless by the form of their enfeoffment they are bound to do that suit or they or their predecessors holding those tenements were wont to do it before the lord king's first crossing to Brittany, the said Alexander distraineth John to do suit at his court in Eversdon against the form of the said provision etc. And accordingly the said John complains etc.¹

Another example shows that the defence offered was to plead that the plaintiff and his predecessors had been accustomed to do suit before the king's crossing, which the jury refuse to allow was done.² If only more records for these years had survived, a great deal of light would probably be thrown on other provisions difficult, as they stand, to interpret. Yet, if the pleas do not throw light back on the past, they at least throw it forward on future enactments: they help us, for example, to understand the first four clauses of the Statute of Marlborough which deal with distress. The evils which the Statute attributes to the rising of 1265 had been in existence long previously; distress taken simply at the bailiffs' discretion and not by the order of any court, royal or seignorial, such as appears in *John le Beure v. Thomas de Ponte*,³ paves the way for the 'great revenges and distresses' taken by neighbour against neighbour during the rebellion: contemptuous treatment of the sheriff of Surrey by the steward of Peter of Savoy, who utterly refused to liberate the stock he had seized from the plaintiff, such as is found in *Robert de Clyve v.*

¹ A.R. 82, m. 2. 'Et unde predictus Iohannes queritur quod cum tenet de predicto Alexandro quater viginti acras terre cum pertinenciis in Eversdon' per servicium duarum partium quarte partis feodi unius militis pro omni servicio absque hoc quod per formam feofamenti sui ad sectam aliquam faciendam pro predicto tenemento teneatur vel absque hoc quod ipse vel antecessores sui ante predictam transfretationem domini Regis sectam aliquam facere consueverunt, predictus Alexander distringit ipsum ad faciendam sectam ad curiam Alexandri de Eversdon' de tribus septimanis in tres septimanas contra formam predicte provisionis, unde dicit quod deterioratus est et dampnum habet ad valenciam xli^a librarum.'

² Ibid., m. 16d. There are three complaints of this kind; the third (m. 11 d.) against the prior of Ware fails.

³ A.R. 911, m. 7.

John la Ware,¹ helps to explain the third clause of the statute which threatened punishment to all who resisted the king's officers in replevins. For the fourth clause, 'that distresses shall not be driven out of the country and that distresses shall not be unreasonably burdensome,' there is already abundant reason; there are frequent mentions of the driving off of beasts, and a comparison of the offences committed and amercements adjudged with the amount of distress imposed—the *quantitas delicti* with the *quantitas districtionis*—in the examples given below leaves no doubt that distresses were frequently superfluous. It was information of this kind which must have led to the articles entitled 'Distresses of the Exchequer' which have been definitely assigned to the October Parliament of 1275.

The Yorkshire complaints do not only concern offences committed by administrative officials; neighbour complains of being assaulted by neighbour,² and there is another instance of the aggrieved party being a bailiff or steward, for few others would lose 'tallies of twenty pounds and account rolls for three hundred marks'.³ A tenant sues his lord for intruding upon land of which he had duly paid his fine for having seisin;⁴ the parson of Burton recovers the balance due to him from a defendant for the sale of his corn;⁵ a woman complains that a jury of the assize of *mort d'ancestor* made a false oath before the Justiciar at York;⁶ an unscrupulous landlord is arraigned for receiving money for the lease of some land with which he never seised the lessor.⁷ The most interesting of the cases concern the vill of Scarborough, and are worth examining. In one the mayor, Roger Utred (or Hutred), and bailiffs of the town are complained of by a certain Eudo de Kyrkeby for putting plaintiff 'outside the community of the vill', and causing him to be boycotted (*inhiberi*)

¹ A. R. 911, m. 6. Both Robert and the sheriff had already had recourse to the Exchequer of Pleas, which had ordered John's beasts to be seized 'tanquam wythernamium'.

² A. R. 1049, m. 2 d. *Yorkshire Archaeological Society, Record Series*, xlv, p. 102.

³ m. 2, p. 98. John Harde lok v. William, son of Elias of Pontefract.

⁴ Ibid., pp. 102, 103.

⁵ m. 4, p. 113.

⁶ m. 5, p. 122. Cf. p. 123, complaint against a jury of novel disseisin.

⁷ m. 6, p. 131.

throughout the place, so that no one would sell anything to, or buy anything from him : and 'for taking away by distress certain utensils from his house'. The mayor's defence is that Eudo refused to pay his assessment of tallage when it was last imposed and therefore he was distrained as a matter of course.¹ The jury's verdict acquitted the mayor, and evidently the defence was thought to justify the action.² But in the other case Eudo turned up again, this time with thirty-nine of his colleagues, 'on behalf of themselves and the community of the vill of Scarborough,' to complain about the mayor and bailiffs acting in another capacity.³ It seems quite possible that this case like that of the men of Brill was begun by petition, but the plaintiffs here are *liberae conditionis*. One charge is that the authorities had secured that all merchants bringing in goods by sea should sell their wares to them only and nothing to plaintiffs; that they had in fact engrossed all sales of sea-borne merchandise. The defendants denied this, and a jury was summoned. Their verdict was that Roger Utdred and his co-defendants had been making a corner :

'(they say on their oath that) the council of the borough of Scartheburg is such that certain burgesses of the town must be chosen from the common council of the whole community of the town to meet foreign merchants, coming by sea from diverse lands to the said town with their merchandise, who know not nor understand the English tongue, so as to be intermediaries between those foreign merchants and the other English merchants who wish to buy their merchandise, because those foreign merchants do not understand the English tongue, so that they (the foreign merchants) may be truthfully protected by them (the appointed burgesses) for selling their merchandise. And they say that the said Roger and the others, of whom the said Henry and the others complain, have been chosen for this by the community of the said vill; and by this reason they draw to themselves the foreign

¹ The charter granted in Henry III's reign to the burgesses of Scarborough (*C. Ch. R. 1226-1257*, p. 417) provided that any persons at lot and scot within the borough should not in future be immune or quit of 'tallage, aids, or any other burdens laid on the said borough'.

² m. 2 d., p. 100. The tallage was imposed after the king's return from Gascony, and Hutred and his colleagues held the borough from the king at fee-farm.

³ m. 4 d., p. 117.

merchants and buy from them all their merchandise which they have had carried by sea to the said vill; nor do they allow the other burgesses of the said vill who are of the community of the said vill to buy any merchandise from the said foreign merchants.¹

The defendants had to compensate the plaintiffs for making the corner. But the sequel suggests that the underlying cause of the antagonism may be something more fundamental than the mere cornering of foreign merchandise; that it may be in the social cleavage which will be met with in other towns both English and continental during the middle and latter part of the century:² the contrast between the *burgenses maiores* and the *burgenses minores*, between the *popolo grasso* and the *popolo minuto*, the rich and often hereditary office-holders in the borough and the struggling *gens de métier*. At Scarborough, of course, the antagonism can only have been on a very small scale; but it was evidently there: and a third party is introduced to mediate, quite logically called the *mediocres homines* of the vill, the men that stand in between the two extremes; the case ends with a 'provision' worth quoting in full:

'Afterwards it was provided by William de Everley, Alan Beufrent, Everard Stacy, Richard de Paxton, William de Pycheford, John son of William, John de Thorenton, Alan son of Budo, William Raynbald, Robert de Suwell, William son of Alan, Richard de Brumpton and Henry Sampson, the sworn middle men³ (*mediocres homines*) of the borough of Scartheburg, and granted by the whole community of that borough both rich and poor, that all the burgesses of that borough and each of them shall have henceforth share (*societatem*) and reasonable part in all kinds of merchandise and goods to be bought and sold in their presence if they demand a share therein: and that no one shall buy nor sell any merchandise in a way which the burgesses of that town call a deceitful and covert buying. . . . And be it known that

¹ Mr. C. P. Clay's translation, with slight modifications.

² Cf. § 4 below.

³ At Lincoln the *secundarii homines* may have answered to these *mediocres homines*. There were three classes in 1275, the *magni*, *secundarii*, and *minores*. *R. H. i.* 309, 315, 322. The division seems to have been made according to property and for purposes of assessment in the payment of tallage and (perhaps) of murage and pavage.

this provision was made and read at Scartheburg on the Thursday next after the feast of the Exaltation of the Holy Cross in the 44th year before H. le Bygod, Justiciar of England, in the presence of the whole community of the borough, both rich and poor, who unanimously consented.'

The complaint raises the question why more of this particular type of *querela* has not survived. At a time when the antagonism of the 'smaller' and 'greater' burgess in the towns was beginning to show itself, it would naturally seem likely that such should arise. But the remarkable 'complaint of the burgesses of the lesser commune of Oxford', a document included among the miscellaneous inquisitions of the Chancery, which is the longest petition surviving for our period, seems the only other detailed statement of urban grievances before the rebellion.¹ Though but little comment has been made on the Warwickshire and Leicestershire *querelae*, enough has been said to show the general tenor of the complaints. While for the most part administrative grievances, principally against seignorial bailiffs, figure, there are other cases which show that private individuals as much as officials were complained of. To proclaim therefore that the *querelae* dealt solely with the excesses of sheriffs and bailiffs would be too narrow a view; at the same time the other extreme must be avoided; it would be equally incorrect to state that every kind of grievance could be treated by this method, for, so far as we can generalize, it is the *personalis transgressio*—personal trespass—which is made the ground of complaint. Evidently it was not the intention of the Government that cases involving freehold should be heard under *querela*. But that by other methods particular attention was paid to disturbance of possession is seen both in the instructions for the Eyre as well as in the large crop of possessory assizes which occur on the rolls. *Mort d'ancestor* and pleas of succession predominate, pointing to the need that existed for the 16th, 17th, and

¹ *C. Inq. Misc.* i. 238. It is really a petition for an inquisition and probably only included among the inquisitions because of its endorsement, in a hand of temp. Edw. II:—'inquisitiones et extente de anno regni regis [Henrici] fil. reg. J. quadregesimo primo xli'; a most inaccurate description.

18th clauses of the Provisions of Westminster. The general impression one gets from the records, apart from questions of detail, is that the magnate and his officials are quite as much to blame for the existing discontent as the royal administrators, and that there was therefore some justification for the bachelors when they remarked that the barons had not fulfilled their part of the bargain. Had the barons done so, our records would be less full of the valuable and interesting examples of seignorial misgovernment; and perhaps the special Eyre of 1259 and 1260 might never have taken place.

Let us now put the baronial legislation into perspective by asking what the 'Provisions of Oxford', from which the king tried for three years to escape, actually meant to contemporaries. To do this we shall move forward a little to the early part of 1263 and once more look to the justices of assize to help us.

§ 4. *The Reissue of 1263.*

The reissue of 1263 was not a watered version of the Provisions as, apparently, that of 1262; it was a reissue with additions, some of which had already made their appearance in the *Providencia baronum* but had not been included in the Provisions of the autumn of 1259. There are two texts, one version on a schedule attached to the Patent Roll (numbered, in § 1, 7 (b)), the other (numbered there 7 (a)) in Bodleian manuscript No. 91, f. 135, where the Provisions stand by themselves just after a short chronicle from A.D. 1-1280. The evidence as to date is conflicting. The schedule is dated 12 June 1263, but both texts have as their introductory words *Anno domini MCCLX secundo, regni autem domini H. Regis . . . XL septimo*; and in the schedule the date 12 June, together with the mandate for publication addressed to the sheriffs, is written in darker ink, though I could not venture to say that it was in an altogether different hand.¹ At any rate, the impression given is that the mandate dated 12 June was written upon the schedule some little while after the

¹ My first impression (for what it is worth) was that the hand was quite different from the one in which the schedule is written; but it is difficult to be certain on this point.

Provisions were enrolled there, and significantly enough the schedule is attached to the roll at the top of a new membrane the first date on which is 25 March. Now the justices in Eyre in Kent, Nicholas de Turri and his colleagues,¹ somewhere towards the end of 1262 (old style) received a schedule of *Statuta et consuetudines* which they were bidden to publish, and their 'statutes and customs' are described in language exactly similar to that of the heading of the reissue :

' Dominus Rex mandavit Iusticiariis itinerantibus hic quod statuta et consuetudines que eis mittit in quadam cedula sigillo suo signata, que per ipsum de mera et libera voluntate sua et in plena potestate sua interveniente [*sc. consilio*] fidelium suorum ad reformationem et meliorationem regni sui edita sunt et provisa, coram eisdem Iusticiariis in presenti itinere suo et in aliis itineribus suis legi, publicari et observari faciant. Et taliter se habeant in hoc mandato exequendo quod diligentiam suam in hac parte habere debent commendatam.' ²

The membrane is undated, but the last date on which the justices sat at Canterbury seems to have been the Octave of the Purification, 1263 (9 Feb.).³ Now Thomas Wykes records the confirmation of the Provisions of Oxford for 25 January 1262-1263,⁴ while the author of the contemporary passage in the *Flores Historiarum*⁵ attributes it apparently to the end of 1262 (old style). The *Liber de Antiquis Legibus* seems to refer to a reissue of the Provisions of Oxford as having taken place after the fire at Westminster Palace on 7 February 1263.⁶ Is it a single reissue, one set of provisions, to which

¹ For their commission (4 Oct. 1262) cf. *C. P. R. 1258-1266*, 227.

² A. R. 363, m. 27 d.

³ *Ibid.*, m. 5. There are references to the quindene of St. Martin, but the king had not returned from France at this date and it is impossible that the Provisions should have been issued before he arrived. In regard to the dating of the mandate publication, a reissue earlier than in June 1263 is also suggested by the political situation. Henry returned from abroad on 20 December 1262 (*Annals of Dunstable*, p. 219). Only recently recovered from his poisoning, his palace at Westminster destroyed by fire, his strong upholder Richard de Clare removed by death, his son won over by Simon de Montfort, faced by serious trouble on the Welsh border and hampered by the slowness of his negotiations with Louis, in January or February Henry was probably in no mood to resist the baronial party.

⁴ p. 131.

⁵ ii. 477.

⁶ p. 52.

these allusions are made? Do the 'Provisions of Oxford' include or cover the Provisions of Westminster? Fortunately light is thrown on the problem by a case in the Kent Assize roll, occurring shortly after the entry just quoted above, which recorded the reception of the king's mandate for the publication of the Provisions. A lord has brought two tenants into court for refusing to do suit. Defendants plead that there was no mention of such suit made in their charters of enfeoffment—a defence based on an early clause of the Provisions of Westminster. Plaintiff could not plead established custom, i.e. that he was in seisin of the suit before the king's first crossing to Brittany, and consequently judgement went against him:

'Quia idem Robertus nichil aliud ostendit per quod ei tenentur in predicta secta nisi de seisina sua post primam transfretationem domini regis contra formam feoffamenti sui, consideratum est secundum provisionem Oxonie quod predicti Rogerus et Stephanus quietus [*sic*] ad predictam sectam et sine die. Et Robertus nichil capiat per breve istud, set sit in misericordia pro falso clamore.'¹

The 'Provision of Oxford' in question was, of course, a clause in the Provisions of Westminster. True, 'provision', not 'provisions', is the expression used, yet it does suggest that to men in 1263 or 1264 the 'Provisions of Oxford' included the later Provisions of the autumn of 1259, and that therefore only one reissue took place in the early part of 1262-1263. But the passage has a further interest. This clause about suit is itself derived from the *Providencia baronum* of 1259. Now the Bodleian text of the reissue of 1263 bears the heading '*Novae constitutiones regie post Parlamentum Oxonie*', which, taken in conjunction with the *Providencia*, seems to point back to the deliberations of the Twenty-four after the Oxford Parliament, perhaps at Oxford itself; and in conformity with this, at the end of the section *de sectis faciendis* in the Cambridge version of the Provisions of Westminster, were written, as we saw, the words 'hec constitutio facta fuit apud Oxon.'. Here therefore, I think, we can see the reason why the Provisions of the autumn of 1259

¹ A. R. 363, m. 28.

were called the Provisions of Oxford; they were so called because they caught up and recapitulated in a revised and augmented form the earlier decisions of the legislative committees upon those questions of suit which, if our interpretation is right, had been originally ventilated and discussed at Oxford.

The Provisions of Westminster have, therefore, earlier antecedents than have been suspected. They are part of a system, the Oxford system, which grows and expands. The more that system is studied the more evolutionary its character appears. At the end of the *Providencia baronum* (the suit clauses of which underlie the *de sectis faciendis* of the Westminster Provisions) occurs a clause which is evidently the germ of the later article initiating the writ of entry *in the post* which makes its appearance in the reissue of the Provisions in 1263. This clause sanctions the bringing of actions for recovery of land beyond the 'degrees' without a writ of entry, simply on a mere *praecipe*;¹ 1263 sweeps the restrictions on the writ of entry away altogether, and the new clause appears in the Statute of Marlborough. Another admirable instance of the evolutionary character of this legislation is given in the version of the Provisions of Westminster in the Cambridge Manuscript. The clause *De Cartis vero exemptionis* (exceptionis MS.)—extending the precautions against possibilities of essoin and default from cases of Darrein presentment and *Quare Impedit* to all other cases where attachments lie—which appears in the 1263 reissue and in the Statute of Marlborough, appears here in a separate section following immediately upon the Provisions, and undated, as if belonging to 1259. In the same way the permission given to the heads of ecclesiastical houses to sue for damage done to their property during the time of their predecessors, which appeared in the reissue of 1263 and finally as clause XXVIII of the Statute of Marlborough, is here seen as a clause tacked on at the very end of the 1259 Provisions. There has, of course, to be reckoned with the objection that

¹ 'Provisum est etiam de consilio et consensu magnatum et procerum ut actio sive breve de ingressu ad gradus de cetero non arcetur.'

Robert Carpenter or whoever wrote this text may have attributed to provisions of an earlier date material which occurred for the first time in later enactments. But, if he was (as we have conjectured) copying rather mechanically from some original, we should have to be convinced that the original was faulty before we made this assumption. Drawing a bow at a venture, one may well imagine that several drafts of the Provisions were made by the Council during 1259, whence the variants on our present *textus receptus* have arisen, and that these, if not adopted at the time, were incorporated in later reissues (1263 and 1264) and finally found their way into the Statute of Marlborough.

CHAPTER IV

THE 'COMMUNITAS BACHELERIE': CONCLUSION

THE complaints which we examined in the last chapter help towards understanding the administrative articles of the Provisions that were omitted from the 'official' versions of the Provisions appearing in the Close and Patent Rolls. The primary aim of those articles was, it was argued, the creation of machinery for supervising local officials and for ensuring that the voice of men who understood local administration and the point of view of the lesser landholders should be heard in the government. In them just as in the special Eyre of 1259-1260 it was the mesne and smaller tenants whose interests were consulted. In the light of the *querelae* the proposed use of the *prodes homes*, of the *mesne gent del conseil*, of the four knights who were to watch the sheriff and to inquire into the conduct of prominent landlords, and the reliance placed on the Justiciar and on his judicial colleagues in the selection of officials and the working of the central administration, become more easily intelligible. Both the omitted administrative provisions and the special Eyre are due to the action of a middle order of society asserting itself and strengthening its position against the exploits of bailiffs like Brayboeuf and John de la Rede, the graspingness of the larger feudatories and the devices of indigent sheriffs. Stubbs wisely suggested that the French version of the Provisions might be the undiluted version of what the bachelery demanded in the autumn of 1259.¹ The complaints certainly reinforce the assumption that the bachelors were the mouthpiece of the vavasour class, the *mesne gent* throughout the country; but before concluding definitely that this was the case it would be necessary both to prove that the 'bachelery' was recruited from the class of tenant most likely

¹ *C. H.*, 4th ed., ii. 83. There should be no need to refer readers to the different view expressed by Professor Tout, *E. H. R.* xvii. 92 et seq.

to be affected by the *gravamina* which the Eyre and the Provisions tried to remedy, and to demonstrate that it did not consist of a chance number of individuals, but was a body which had corporate interests and perhaps even a corporate policy. It will be submitted here that in 1259 the bachelery was thus composed; but that possibly at the time, certainly later on in 1264-1265, some sort of an urban movement was in progress, the leaders of which took the cant name of 'bachilarii' (though not '*communitas* bachelerie', be it noted), with the object of gaining more consideration from the greater burgesses of the towns in matters of tax assessment and municipal privilege.

About the term 'bachelor' itself there is no mystery. Its normal meaning in the poetry and prose of the early thirteenth century is the landless and unknighthed youth who belongs to the court:¹ a potential or 'undergraduate' knight, in the service of the king, who has not yet 'taken his degree' of knighthood as we might fancifully express it. But at any rate by the beginning of the next century the term could equally denote a grade of knighthood, the bachelor being a knight who owing to the fact that his holdings were not large or plentiful did not display his own banner in the field (as the baron or banneret did) but adhered to the standard of some important magnate in whose retinue or establishment (*familia* or *societas*) he was enrolled along with the unknighthed *valettus*² and the esquire (*armiger*). The 'family' or staff of a great magnate like the earl of Gloucester con-

¹ Cf. F. M. Powicke, *Loss of Normandy*, p. 329, and the same writer in *E. H. R.* xxii.42. Guilhiermoz, *Essai sur l'origine de la noblesse en France*, pp. 245-6.

² *Valettus* is the word used in the *capitula itineris* after the distraint of knighthood ordered in 1256 to represent the unknighthed holder of 15 librates. The usual translation 'yeoman' does not quite convey the meaning. Readers of the Close Rolls will have noticed the numerous references between 1250 and 1260 to *valetti* being, as it were, 'presented' to the king by the lords whom they serve for decoration with the knight's girdle (e.g. Close, 41 Hen. III, m. 7, m. 12, 44 Hen. III, m. 3, &c.). The king frequently knights, or grants respite from undertaking knighthood to, the valets of Geoffrey de Lusignan, Edmund the king's son, and Richard of Almain, acting 'at the instance' of the head of the establishment to which the candidate belongs. Cf. the respites in Close, 44 Hen. III, m. 3 d.

sisted of knights, bachelors, *valetti*, esquires, bailiffs, and clerks.¹ Exactly how strong was the bond between the various members of the *familia* and their lord it is not easy to say, but it appears that the lord of the establishment held himself in some way responsible for their conduct, for when the young earl of Gloucester submitted after holding London for the rebels in 1267 he procured pardon and remission of the royal indignation for all his retinue that had been in his service between certain dates. This is borne out by the letters which he sent to the justices in Buckinghamshire in 1268 certifying that certain men, who were about to be 'presented' in the country for taking part against the king during the rebellion, were members of his staff and under his orders during the period and were therefore covered by the pardon. One in particular testifies to the fact that his 'beloved bachelor' John de Trayly was in his service at that time.²

Of what standing then were the members of the bachelery in 1259? Were they bachelor knights proper or young irresponsibles who had given themselves the name half in jest and who were under the influence of Edward? The list of Gilbert de Clare's staff in 1267 does not suggest that bachelors were always youthful or irresponsible. The names of his bachelors are worth a little analysis, though conclusions based principally on returns earlier than 1250 (Book of Fees) or later than 1274 (Hundred Rolls) or 1284 (Feudal Aids) cannot be wholly satisfactory. Some help, however, is

¹ *C. P. R. 1266-1272*, pp. 146-7.

² A. R. 59, m. 8. Cf. especially the case of Thomas de Sancto Andrea. Printed App. XI, pp. 406-7. Cf. *C. Inq. Misc.* i. 932, when Philip Basset is said to have sent his *bachelor* to Hertford 'to do his business' (during the rebellion). John's bachelors, as Professor Powicke has pointed out (*op. cit.*), were endowed with lands in Normandy and Poitou for which they did liege homage; he quotes from *Rotuli Chartarum*, p. 59 a, a letter of the king to Ralph de Mauleon, seneschal of Poitou, commanding him to seize 'omnes feudos et terras quos dedimus bachelariis quos retinuimus de familia nostra in ballia vestra qui homagia et fidelitates et ligentias nobis non fecerunt.' Cf. a similar command to the seneschals of Normandy and of Poitou and Gascony, p. 102 b. 'Datum est nobis intelligi quod quidam de bachelariis nostris quibus terras et feoda dedimus non veniunt ad summonitionem vestram in servicium nostrum.'

afforded by the *Inquisitiones de rebellibus* of 1265 in the returns of which a number of Gloucester's staff figure :

Simon de Pateshull	Robert Penifader
Walter de Colevill	Tristram de Marisco
John de Traylli	Peter de la Bataile
Walter de Hameleye	Ralph, son of Fulk
Laurence Whytepens, baron of Sandwich	Hamo Hautein
Robert de Noers	Bartholomew Hautein
Brian de Gouiz	Roger de Miners
Nicholas de Wychemal (or Wythemal)	John de Veer
Robert Mainard	John de Romenal
	Robert Elphey
	John Cricke

Simon de Pateshull (Pattishall, Northants) may be either the elder Simon¹ (b. 1216 or 1217, d. 1274) who was sheriff of Bedfordshire and Buckinghamshire in 1258-1259 and 1264, and of Northamptonshire from 1260 to 1262, held land in Essex,² Northamptonshire,³ and Buckinghamshire,⁴ was one of the four knights elected in 1258 to hold the Inquisition into grievances,⁵ and was a prominent supporter of Simon de Montfort; or his grandson, called Simon the younger, the son of John de Pateshull, who died in 1294.⁶ The absence of the word *junior* in the remissions of royal anger⁷ and considerations of age⁸ suggest that it is the elder Simon with whom we have to deal here, and, if so, it is interesting to note that a man who had to pay 1,000 marks for the redemption

¹ See the account of his holdings in the honour of Wahull by W. J. Farrer, *Honours and Knights' Fees*, i, 93; for a summary life, *D. N. B.* xliv. 30; for the Pateshull descent, cf. Bridges, *Antiquities of Northamptonshire*, i. 267, and Baker, *History and Antiquities of Northampton*, ii. 295-7.

² *C. Inq. Misc.* i. nos. 670, 673; Hunter, *Rotuli Selecti*, p. 137.

³ See Farrer, op. cit.; *Book of Fees*, ii. 935 (Honour of Chester), 939 (Honour of Chokes), 940 (Honour of Wahull), 942 (Honour of Lexington).

⁴ *Book of Fees*, ii. 886, 7 (Honour of William de Bello Campo), 888 (Baronia de Eton).

⁵ *C. P. R. 1247-1258*, 648.

⁶ *Calendar of Inquisitions*, iii. no. 369 (24 Ed. I).

⁷ *C. P. R. 1266-1272*, 145 (for his exploits when in the service of the Earl of Gloucester); 205 (for his whole part in the rebellion).

⁸ The younger Simon seems to have been quite young when he died.

of his lands after the dictum of de Kenilworth was capable of being called a bachelor. Evidently the attachment to the *familia*, not the size of his holding, is what gives him the title. Walter de Colevill held two knights' fees, one of the king in chief,¹ one of William de Colevill,² in Lincolnshire, lands and rents in the wapentake of Beltislowe in that county,³ and property in Rutlandshire,⁴ and apparently was of sufficient status and experience to be employed on justices' work.⁵ In the 1256 return of unknighthed holders of fifteen librates of land John de Trayly is described as holding a barony from the king in chief, the extent of which was apparently twenty librates.⁶ Walter de Hameleye may have been a brother of the Eudo de Hameleye who held half a knight's fee in Tewin, Hertfordshire (barony of Valoines),⁷ but neither about him nor of Laurence Whytepens is much to be gleaned from records. A Robert de Noers is mentioned much later as holding in Itteringham, in Norfolk, a quarter of a knight's fee from the Bishop of Norwich and as a part-holder of Peterborough with Melton and Swanton.⁸ In 1285 we find him together with Nicholas de Wymall and John de Veer on the jury of knights in a grand assize held at Northampton that arose from a plea brought by Henry de Grey against the Prior of Dunstable for the advowson of Newbottle.⁹ Brian de Gouiz was keeper of Sherborne Castle in Dorset,¹⁰ is 'presented' in 1265 as a rebel holding in the hundred of

¹ *Book of Fees*, ii. 1003.

² *Ibid.*, 1046.

³ *C. Inq. Misc.* i, no. 777, where he is described as 'the king's enemy'.
Book of Fees, ii. 1048.

⁴ *Ibid.*, no. 856.

⁵ With two others he was commissioned in 1264 to 'enquire the truth touching certain articles affecting S. de MonteForti, Earl of Leicester, and Robert de Ferrers, Earl of Derby, in the matter of Andrew Luterel'.
C. P. R. 1258-1266, p. 476.

⁶ Chancery Miscellanea I/1, m. 19, m. 21. The barony of Trayly (co. Buckingham) consisted of nine knights' fees. *Book of Fees*, ii. 884. *Calendar of Inquisitions*, ii. (Ed. I) 15. His lands were in the counties of Cambridge, Buckingham, and Bedford. The de Clare enfeoffments in the two latter counties should be noted.

⁷ *Book of Fees*, ii. 578.

⁸ *Feudal Aids*, i. 389, 461, 463. As this date is 1302 it may be the son who is mentioned. Pardon given *C. P. R. 1266-1272*, p. 10.

⁹ *Ann. Dunst.*, p. 319.

¹⁰ *C. Inq. Misc.* i, no. 653.

Yetminster,¹ and also held the manor of Kingston worth £30 annually from William de Gouiz in chief.² Nicholas de Wychemal in 1284 held two parts of a knight's fee in Wymall (Hundred of Orlingbury), Northants., in the Honour of Wahull, a block of $13\frac{1}{4}$ knights' fees.³ He also held land in Alvechurch in Worcestershire,⁴ which belonged to the Archbishop of Canterbury. The Mainard (Romney) group are all apparently from the Cinque Ports: Robert Maynard himself is a baron of Winchelsea⁵ whose tenure, like that of Whytepens, would be by providing ships when needed by the king. A John de Romenal (Romney) is described in 1271 as a monk of Faversham,⁶ whither he may have betaken himself to repent of his part in supporting the Cinque Ports during the rising;⁷ but there were other Johns in Romney, no doubt, and the identity of the monk and the rebel is doubtful. Tristram de Marisco was probably a relation of Robert, dean of Lincoln, and William Marsh, an important high vassal, who with the former is found in the Patents,⁸ was perhaps a brother of Richard Marsh, a Norfolk rebel who had houses in Little Yarmouth.⁹ The connexion between the Cinque Ports and Yarmouth, though generally one of keen rivalry,

¹ *C. Inq. Misc.* i, no. 655.

² *Ibid.*, no. 875. 'He had seisin before the feast of the Decollation of St. John the Baptist by the Earl of Gloucester and Sir John Giffard.' Cf. also no. 871, mentioning Sir William de Ortay, who was with Sir Brian de Gouiz 'qui currit per comitatum Somersete, per dominum Simonem comitem Leycestrie, eo quod fecit eum militem'.

³ *Feudal Aids*, iv. i. Northampton. 'Nicholas de Wymal tenet ii partes i. f. m. in Wymall de Ricardo Trussell, idem R. de Willelmo Trussell, idem Willelmus de Iohanne de Wahull' et idem Iohannes de Rege in capite.' Wymall is described in the *Book of Fees* (i. 495, 1235-6) as a single fief.

⁴ *C. Inq. Misc.* i, no. 936. 'Sir Nicholas de Wymawe was against the king. He had in Alvechurch a virgate and a half of land worth 15s. 8d.'

⁵ He was pardoned on 30 May 1268, for being with the earl of Gloucester against the king. The resistance of the Cinque Ports lasted longer than any other. *C. P. R.* 1266-1272, p. 233.

⁶ *Ibid.*, p. 508; he was the bearer of letters patent from the chapter of Faversham to the king.

⁷ *C. Inq. Misc.* i, no. 892. 'John de Rumeney and others were rebels in supporting the Cinque Ports: they had no lands or tenements.'

⁸ For Robert, see *C. P. R.* 1247-1258, pp. 15, 71. For William, *ibid.*, p. 342, and 1258-1266, p. 48.

⁹ *C. Inq. Misc.* i, no. 892.

was very strong and it would not be surprising to find a Yarmouth sailor among the Kentish mariners. John Cricke apparently came from Winchelsea too, for the bailiff of Winchelsea was in July 1267 empowered to receive him and another man, 'who are of the society of Henry Regun, the king's enemy', into the king's peace.¹ Peter de la Bataille eludes pursuit: there was a Richard Bataylle, a royal forester in Egham and Thorpe in Surrey,² a John who was returned in 1316 as *capitalis dominus* of the fief of Winford in Somerset³, and an Amaury who held land in Purleigh.⁴

Ralph, son of Fulk, who is described as holding 'the whole land of Seperleye' (Sporle, co. Norfolk) and as one of the defenders of Kenilworth, was of sufficient importance to be granted special protection when in February 1267 he came to the king's court to make his peace.⁵ Hamo Hautein, one of the earl's messengers to the king at Stratford in June 1267,⁶ held in the Norfolk hundred of South Erpingham⁷ and in that of Taverham at Hellesdone,⁸ part of the rent for which was paid to the Earl of Gloucester's serjeant in the autumn of 1265. Bartholomew, his brother, held 60 acres in Hellesdone also.⁹ John de Veer may have been a natural brother of Robert, the Earl of Oxford.¹⁰

This analysis, though brief and inadequate, at least suggests that the bachelor is not necessarily a young landless noble of little experience. He may be a man of standing like Simon de Pateshull, Walter de Colevill, or Hamo Hautein. The essential point about him is that he is a member of the *familia* or *societas* of a great noble, works for him and goes on his

¹ *C. P. R. 1266-1272*, p. 86.

² *Ibid.*, p. 472.

³ *Feudal Aids*, iv. 324.

⁴ *R. B. E.*, ii. p. 502.

⁵ He also seems to have held in Shepreth (co. Cambridge), *C. Inq. Misc.* i, no. 2298.

⁶ *C. P. R. 1266-1272*, pp. 143, 268.

⁷ *C. Inq. Misc.* i, no. 828.

⁸ *Ibid.*, no. 829. 'He has lands in Hellesdone worth £11 2s. 0½d. Rents of Assize 37s. 8½d. whereof 15s. 8¾d. was paid to Gilbert de Willis, the Earl of Gloucester's serjeant'; cf. *Feudal Aids*, iii. 390 (1302): 'Willelmus Hauteyn [possibly his son] qui plures habet tenentes suos in Oxenedis, Skegeton et Totington tenet unum quarterum feodi militis de comite Herfordie'.

⁹ *C. Inq. Misc.* i, no. 829. 'Terrae rebellium datae fidelibus' in Hunter, *Rotuli Selecti*, p. 255.

¹⁰ There seems no trace, however, of Earl Hugh having a son so named.

business when required, as in 1265, and in return is enfeoffed with land by his lord. Not in every case is it possible to trace enfeoffment by the Earl of Gloucester; but the *Inquisitiones de rebellibus* of 1265 show that in several cases where a bachelor who figures in this list took part in the rebellion the Earl of Gloucester immediately after Evesham seized his lands, or at least part of them, through his steward or bailiffs.¹ That is itself highly significant, and we should not be wide of the mark in supposing that enfeoffment in the Honor of de Clare was the normal recompense for the service done by the earl's staff. At any rate it is clear that the majority of these bachelors held lands of some extent, and may on the whole be classed as smaller landholders.

The individual bachelor may be explained well enough, but this is not to elucidate the 'communitas bachelorie'. Our evidence can only be synthetic and circumstantial; but the complaints of 1258-1260 and the administrative clauses of the Provisions suggest that a literal, not a cant use of the term 'bachelery' is required. Thus in October 1259 are gathered together in London members of the staffs of prominent magnates in attendance on their lords; the bachelor knights, fresh from the shires, in the administration of which some had probably played a part whether on *magna duodena* or on the little representative committees of the county, would be the very men likely to come forward with suggestions, rather clumsily expressed but absolutely first-hand, for bettering the state of things which the complaints reveal. These suggestions were, we may conjecture, tacked on to the more carefully drafted clauses which the baronial legislative committee working up till then had devised. They are the authentic voicing of the demands of a class, to which administrative work in the shire has given corporate consciousness, and feudal association on

¹ Seizures by the Earl of Gloucester:—For Simon de Pateshull, see *C. Inq. Misc.* i, no. 632 (messuage, &c., in Little Craule, hundred of Molishoe, Essex); for Brian de Gouiz, no. 656 (lands in Tatton, Dorset); no. 877, manor of Kingsdon, Somerset, of which the Earl of Gloucester and Sir John Giffard gave him seisin before the Decollation of St. John the Baptist; for Hamo and Bartholomew Hautein, nos. 828, 829, p. 132, n. 8. Hellesdone was evidently seized by the earl, for his bailiffs receive the rents at Michaelmas, 1265).

the staffs of great magnates a sense of community transcending local limits.

What then of the towns? FitzThedmar in a well-known passage relates that in London FitzThomas, during the time of his mayoralty, encouraged the lower elements in the city to such an extent that, 'calling themselves the commune of the city, they had the first voice in the city.'¹ It was the conduct of the Londoners from 1262 to 1263 to which Thomas Wykes attributed the social disturbances in other towns throughout the country. The example of the 'innumerable number of ribalds who publicly called themselves bachelors' spread, he says, to other towns throughout England, where similar leagues were formed, to repress the greater burgesses,² and it was the refusal of the Londoners to accept the Mise of Amiens, to quote the London chronicler once more, that infected 'practically the whole body of the middle folk in England'—*fere omnis communa mediocris populi regni Anglie*³—a very striking phrase. Beside the instances of this kind of popular rising given by Professor Tout,⁴ there is the case of Bury St. Edmunds, where the self-styled 'bachelors' of the town who rose in 1264 are termed in the *Liber consuetudinarius* 'Gilda iuvenum'—the league of youth.⁵ Now it may seem questionable to speak of the *ribaldi* of towns protesting in the interest of a class or having a policy or definite programme other than a merely submissive desire to overthrow the municipal government. Yet here perhaps continental parallels may throw some light upon the character of urban discontent in this country. The demonstrations against the 'greater' burgesses find an analogy in the struggles of the *gens de métier* and the 'smaller' burgesses against the

¹ *Lib. de Ant. Leg.*, p. 55. 'Memorandum quod iste Maior, tempore Maioratus sui, ita nutrierat populum Civitatis quod vocantes se communam Civitatis habuerant primam vocem in Civitate. Nam ipse maior omnia agenda sua per illos agebat et terminabat, dicens eis "vultis vos ut ita fiat?" et si dixerunt ya ya, ita factum fuit. Et e converso, parum aut nichil Aldermannis seu Magnatibus Civitatis super hoc consultis, sed fuerunt ipsi quasi non essent.'

² p. 138.

³ *Lib. de Ant. Leg.*, p. 61.

⁴ *E. H. R.* xvii. 92.

⁵ 'The Commune of Bury St. Edmunds, 1264', by H. W. C. Davis, *E. H. R.* xxiv. 313-17.

rich aristocratic bourgeoisie in many Flemish towns during the middle and later part of the thirteenth century. The object of attack was usually the *échevins*, wealthy citizens who had made the office hereditary in their families, the 'ervachtige lieden', who constituted a plutocratic element in striking contrast to the work-folk.¹ The artisans, termed by contemporaries the *communitas* or 't gemeen, had generally to accept the rate of salary fixed by the *échevins*², and watched with ill-disguised suspicion the rich officials accumulating burgages³ and extending their jurisdiction over all matters of property.⁴ Against these oligarchies were formed leagues or coalitions of citizens, known at Douai in 1245 as 'takehans', at Ghent in 1275 as the commune, and at Bruges in 1278-1279 as the community (*die meentucht*), while at Ypres in 1280 the revolt was known as the 'cokerulle'.⁵ Now it is during the second half of the thirteenth century⁶ and the beginning of the fourteenth that in England similar divisions among the burgesses make their appearance; *maiores*, *mediocres*, and *minores*, probably so called in relation to a property qualification recognized by the citizens themselves for the purpose of tallage-assessment, are here

¹ H. Pirenne, *Histoire de Belgique*, i. 367, 368. 'On n'a pas suffisamment remarqué jusqu'ici cette généralité de mouvement', the author remarks. 'En somme, si les patriciens s'adonnent individuellement à des occupations diverses, ils n'en forment pas moins, dans l'ensemble, une classe nettement reconnaissable. On les considère comme la bourgeoisie par excellence (poorterij), les chroniqueurs les appellent indifféremment maiores, ditiores, boni homines'.

² Ibid., p. 368. 'Il n'en reste pas moins vrai pourtant que le taux des salaires est fixé exclusivement par l'échevinage recruté dans le patriciat ou, ce qui revient au même, dans le groupe des patrons'.

³ Des Marez, *Étude sur la propriété foncière dans les villes du Moyen Âge*, pp. 195-6.

⁴ Ibid., pp. 98-9.

⁵ Giry, *Histoire de la Ville de St. Omer*, pp. 160, 162. The 'Cokerulle', according to Gheldolf (*Histoire d'Ypres*, p. 67), was due to the tendency of the *échevins* 'de favoriser le haut commerce des membres de la hanse de Londres au détriment des drapiers fabricants et l'influence de ces mêmes membres de la hanse seuls admissibles à l'échevinage'. Here the insurgents were clearly artisans.

⁶ After the 'outburst of charter-giving' (to use Prof. Tait's phrase, *British Borough Charters, 1216-1307*, p. xviii) from 1253 to 1258 had strengthened municipal oligarchies. For the privileges, especially the Return of Writs, see *British Borough Charters, 1216-1307*, pp. 171-4, and Eva Penson, *E. H. R.* xxxv. 558 et seq.

and there appearing. At Lincoln in 1274 there were three distinct classes of *magni*, *secundarii*, and *minores*, for the chapters of the inquiry were put to each separately.¹ A similar division is revealed by the Custumal of Norwich, which speaks of the greater, the middle, and the poor citizens.²

The great insurrection at Bristol in 1312,³ the complaint of the middle people at Norwich,⁴ and other earlier instances in the Patent Rolls of the reigns of Edward I and II show the discontent of the mean and lower citizens of the towns bubbling up in the same way as in Flanders, the grievance being generally concerned primarily with the burden of taxation imposed without the consent of the *mediocres* or *minores*.⁵ True, most of our examples are drawn from the

¹ *Supra*, p. 119, n. 3.

² Hudson and Tingey, *Records of Norwich*, ch. clvii, p. 194. The editors remark that this chapter may be based on one of the Ordinances granted to London by Edward II in 1319. It begins, 'Item quia tallagia et cetera mise pro auxilio et necessitate communi sepius assessa et imposita a quibusdam levantur et a quibusdam non, unde medius populus civitatis illius et pauperes in eadem degentes et conversantes graviter se sentiant lesos et gravatos . . .'

³ W. Hunt, *Bristol (Historic Towns series)*, p. 61 ff., where the author calls attention to the parallel between this and the London insurrection in 1264.

⁴ Hudson and Tingey, *op. cit.*, p. 61. Norwich, it should be noted, during the rebellion was strongly Montfortian. I am indebted to Professor Tait for references to Bristol and Norwich.

⁵ In 1276 the 'community' of the city of York complained that the *minores* were rated for tallages, fines, contributions, and amercements out of proportion to their means: *C. P. R. 1272-1281*, 138. In 1281 complaint was received from Carlisle that the rich were grieving the poor, and the king gave orders that the gravamina should be enrolled: *ibid.*, p. 476. In 1282 the *probi homines* of Bristol were permitted to make 'collections' among themselves when required, but the stipulation was made that collection levied upon the rest of the community should be placed under common custody . . . 'as it appears that the poor of Bristol have been frequently heavily tallaged upon sudden emergencies affecting the affairs of the town': *C. P. R. 1281-1292*, 23. In 1290 a commission of oyer and terminer was issued to John de Mettingham and E. de Beckingham 'to appease discords between the poor and rich men of the city of Lincoln over the sale of the tronage of the city lately made without the assent of the said poor . . . and also touching tallages unduly assessed upon and collected from the said poor by the mere authority of the said rich, and other grievances: *ibid.*, p. 404. One of the best examples is from King's Lynn. In 1304 the burgesses were granted remission, 'in consideration of their great expenses in the king's service, for assessing tallage on the community of the town without the unanimous

Edwardian period, still a sharp division into 'burgesses of the lesser commune' and 'burgesses magnates' manifests itself as early as 1255 at Oxford, where in the first of a remarkable series of grievances the lesser burgesses complained that they were tallaged at a rate 'nearly double or more' that paid by the greater burgesses, a list of whose names is appended.¹ At Scarborough, too, the reference to the 'sworn middle men' of the town points to a threefold division,² and the complaint of Eudo de Kirkby heard by Hugh Bigod to discontent over tallage, and there are other signs that material of discord was present in at least some boroughs of the country before 1265. Is it not possible that from 1263 to 1265 the 'bachelery' may have been the name taken in imitation of the bachelor knights of 1259 by the *mediocres* or *minores* or both in their resistance to the 'burgess magnates,' whether with the object of securing a more reasonable incidence of taxation or as a protest against the powerful economic position of the rich members of the merchant guild that exercised so stringent a control over the crafts? FitzThedmar's *communa mediocris populi* has, perhaps, rather more technical a meaning than has commonly been supposed.

It is now time to summarize the conclusions which we have drawn. In the summer of 1258 the problem of local misgovernment, which had arisen before and was to arise not infrequently again, claimed the attention of the baronial reformers. With this in mind they set in motion local machinery

consent of the same, and for *levying on the poor and middle (mediocres) men of the town other great sums under colour of common fines . . .*: *C. P. R. 1301-1307*, 325. See G. Unwin in *History*, vol. ix, no. 35, p. 234.

¹ *C. Inq. Misc.* i, no. 238. Cf. especially art. 6: 'It also befell that a knight named Anketin Malure came to Oxford (by the king's command) and laid on the burgesses a tallage of 200 pounds of silver. Half of this was at once gathered *from the lesser commune*; but when the king demanded the remainder 60 marks and more was again gathered *from the lesser commune*'. There is, of course, no means of checking the accuracy of these or their other statements, e. g. that the burgess magnates got drunk at the lesser commune's expense (art. 23). It is interesting to note that in the barons' war Adam Feteplace, the mayor, who according to the lesser commune was the chief culprit, was imprisoned by young Simon de Montfort, and ten marks rent of his in Oxford were given to the elder de Montfort's 'tailor and supporter', no. 294.

² *Supra*, p. 119.

for the collection and enrolment of grievances against officials, and sent out their newly created Justiciar, equipped for that purpose with wide powers of jurisdiction, to follow up the Inquisition, and not only to hear the presentments arising out of that inquiry (as in Surrey and Kent) but also to entertain informal complaints, probably presented by petition, of personal trespass. This equitable procedure was in certain cases allowed to take the place of procedure by writ, and plaintiffs availed themselves of it to a considerable degree. It represents a return to earlier and less formal methods of pleading before the Justices in Eyre or the Justiciar himself, only the complaints which are now made are principally, though not entirely, against administrative extortion on the part both of the king's officers and of seignorial bailiffs, against whom it would have been very difficult for poor people to obtain the writ of trespass or to have brought a criminal appeal. This informal procedure was again sanctioned in the early winter of 1259, when local knights, according to instructions drafted in the October parliament, again collected complaints against officials and presented them to visiting judicial panels, each of which was supposed to contain a member of the Council. The complaints presented on this visitation—which was never fully completed—primarily concern seignorial officials, and this fact and the particular character of the grievances give weight to the complaint of the bachelery to the effect that while the king had tried to fulfil his obligations in the direction of administrative reform the barons had not taken steps to fulfil theirs. During the period of these visitations the reformers had, however, drafted certain legislative proposals which form the basis of the Provisions of Westminster. Probably at Oxford itself, or in London during the weeks that followed the departure of the king from Oxford, the Council set to work upon the task of drafting a provision agreed to by both royal and baronial representatives, which was chiefly concerned with the problems of suit and with the methods of pleading (*beau-pleder*, *essoins*, exemptions from assizes, &c.). This provision (or at least part of it) seems to have been first published at

the Temple in March 1259 by the Fifteen and the Twelve, who shortly followed it up by the 'Ordinances of the Magnates', drafted in February but, owing to radical disagreement between Richard de Clare and Simon de Montfort, not published till 28 March. This promise of the magnates to follow the king's example in correcting abuses in their franchises does not appear for the most part to have been loyally observed, and accordingly in the autumn the lesser landholders, representing the interest which owing to its holdings in the great honours was the most concerned that abuses should be corrected and permanent prophylactic machinery locally established, protested to the two most powerful franchise-holders in England, Edward and Gloucester, that the reform which the magnates during the course of the spring had promised to carry out had been unduly delayed; and secured that to the legislative clauses of the October enactment, which the Fifteen and the Twelve had drafted—with considerable additions and some modifications—from the Provision of March 1259, should be added a number of administrative clauses conceived in the interest of the smaller tenant and envisaging machinery for the local supervision of officials, royal and seignorial, and representation of non-baronial elements in the central administration. The spirit of these demands is reflected in the chapters of the Eyre of 1259-1260 'provided' (as the Additamenta Version of the Provisions of Westminster shows) in the October parliament and referred to above, just as the need for them is apparent from the records of that visitation. The appearance of these administrative clauses in the Annals of Burton, and (in part) in the Additamenta, is not inconsistent with the fact that they were not either then or later enrolled in the Close or Patent Roll; that they were circulated and that local machinery for collection of grievances 'in places where the Justices have recently been on circuit' had been established would appear from the opposition offered to the Justices on the General Eyre in 1261, if indeed the 'Statutes of Oxford' to which the Hertfordshire suitors appealed include the Provisions of Westminster; and this we have strong reasons, drawn from the contemporary

use of the term 'Provisions of Oxford', for thinking to have been the case. If this is granted, the king, when attempting from 1260 to 1263 to get free from the 'Provisions of Oxford', was therefore trying to shake off not only the machinery of conciliar control established by the barons at Oxford, but also the whole gradually evolved system of legislation in favour of the smaller tenant as well as the administrative innovations embodied in the administrative clauses of the Provisions; and Earl Simon's party was supporting a cause which we may without injustice or anachronism call popular.

This interpretation is open to criticism at several points. Two in particular might be noticed. In the first place, was not the 'reform' of local administration a mere pacificatory sop to the counties, a manœuvre purely to curry favour while the baronial party established its oligarchical régime? Was it a really serious move? The questions, recorded in the Hundred Rolls, about extortionate bailiffs and the heightening of farms that were put to the counties in 1274-1275, the administrative queries that occur in the chapters of the Eyre throughout the thirteenth century, and the petitions against local maladministration in Parliament in the fourteenth, show that it was always possible to manufacture a case against local officials. In 1258-1259 the local drum was beaten hard, but was any real reform accomplished? I do not think that any reader of the Eyre rolls of these years will doubt the sincerity of the Council's attempt to remedy the abuses that had been growing up in Henry's reign. But even if its efficacy is denied and the reader reaches the conclusion that too much emphasis has been laid on the administrative aspect of the reform—and it is not our contention that there was no more than one aspect, or that to its authors that one aspect was of overwhelming importance—is not the really vital point the existence of the demand for these enactments, and the fact that a new range or rank in the social system, a new interest one might almost say, was becoming articulate and making the Government hearken to its voice? The difficulty which the king experienced, in getting his nominees to the shrievalty accepted by the counties

in the autumn of 1261,¹ a difficulty borne out by Richard of Almain when delivering his verdict in 1262 upon the thorny question of their appointment,² is a little indication of the strength of that feeling; and the next study will show that the support given to the Earl of Leicester in the rising was not only purely feudal *auxilium* but comprised also the help of numbers of smaller tenants who cannot have been drawn into the conflict simply by love of plunder or gain. In the Song of Lewes and the verses of Troubadours expressions are used about the earl which, even after allowance for the poet's bias has been made, would scarcely have been applicable to ordinary leaders of chivalry, however formidable and magnificent; and the inevitable inference is that Simon de Montfort could gauge and understand the demands of that newly articulate interest. Could he enlist its support in a struggle to the death for the Provisions? That was the problem before him when in 1261 the tide turned and his influence over the Government declined.

In the second place, no attempt has been made here to investigate in detail the differences between Earl Simon and his immediate following on the one hand, and on the other the less progressive magnates for whom the 'buccaneering old Gladstone' (as Stubbs once called the earl³) seems to have moved too quickly. Very probably it was the slowness of

¹ *C. P. R.* 1258-1266, 178, writ *de intendendo* to 'all the faithful of the counties of Cambridge and Huntingdon' in favour of the newly appointed royal sheriffs; 'the king is astonished and moved to hear that *certain of his adversaries are assuming the keeping of the said counties* and others the keeping of other counties, without his writ or mandate, and presume to remove the king's sheriffs and bailiffs at their will...' Printed in Shirley, *Royal Letters*, li. 192.

² After the failure of the mise at the beginning of February, 1262, the insubordination is reflected in his words 'ut de comitatibus Anglie qui vicecomitibus quos Rex ipse posuit in eisdem obedientes non erant...' And Exch. Misc. 1/16, where the arguments of the two parties who had disagreed and appealed to Richard are given. The baronial party advocated appointment of the sheriffs in the Council: 'quod... poneret dominus Rex vicecomites idoneos et sufficientes per consilium suum in singulis comitatibus de quibus ipse et Barones sui posuerunt se in misam dummodo dicti vicecomites essent de comitatu illo...' The plan was to be tried for ten years.

³ Letter to E. A. Freeman in *Letters of William Stubbs*, ed. W. H. Hutton, p. 162.

the new Whig oligarchy to set its own house in order in the matter of local administration, to adopt really radical measures of local reform, that lay at the bottom of the earl's quarrel with Richard de Clare, far more than the difference of their temperaments. It is hard to resist the feeling that in the early 'constitutional' stage of the baronial movement the baronial brake was being applied to Earl Simon's idealism, and that, the friction between the two sections once apparent, Edward did all he could to exploit it and divide them. It may well be that these differences, which lasted on into 1265, were no slight cause of the apparent failure of the new constitutional movement.

Yet, where the magnates failed, the lawyers succeeded. It is they who were to embody later in the Statute of Marlborough the clauses which indicate unmistakably a drift away from the rigidities of feudalism in favour of the smaller tenant. Already they had seized and put into their own language the spirit that was abroad in the air, and now from 1258 to 1267 they were to give it fuller expression. In the growth of the 'large and popular group' of writs of entry in real actions,¹ in the introduction of the actions of Aiel, Besaiel, and Cosinage to supplement the gaps in the Assize of Mort d'Ancestor,² in the remedies granted to termors in cases of ejectment,³ and in the great multiplication of actions of trespass and their extension to include administrative and other grievances,⁴ however small and trifling—in these the same tendency makes itself clear. The first and last of these fall particularly within our period, and we can date them with some accuracy. The introduction of the writ of entry in the *post* which takes away the limitation of the 'degrees'⁵ is a measure of 1263 suggested

¹ Maitland, *Lectures on the Forms of Action*, iv, in *Equity*, pp. 335, 336; cf. *P. and M.* ii. 70, 71.

² *Ibid.*, p. 340.

³ *Ibid.*

⁴ *Ibid.*, pp. 342, 343.

⁵ *Ibid.*, p. 338. 'A writ of entry is, as we have seen, a writ of praecipe suggesting a recent flaw of a particular kind in the tenant's title. The object of such writs seems to have been to evade feudal jurisdiction, probably on the theory that they are in a certain sense possessory and therefore do not fall to the lords. The demandant relies on a recent seisin hence these writs are confined within "the degrees", that is to say they are competent only if the tenant is first, second, or third faulty possessor.'

in the 'Providencia Baronum' of 1259, a new clause of the reissue of the Provisions of Westminster, drafted when the king was once more, though he refused to admit it, acting on the advice of baronial elements and adopting the view at which Bracton had aimed.¹ The extension of actions of trespass to embrace grievances of various kinds where ordinarily no breach of the peace would be admitted is the result of the Eyre planned in the Michaelmas Parliament of 1259. It was to be, and was in part, carried out simply by an invitation to the *patria* to state its grievances, whether in writing or orally, before its knights who were to sift and prepare them for the justices. This is perhaps the most important measure of the demand, however rudimentary, for reform from classes whose voice the county knights had already begun to be made heard. Yet it is easy to exaggerate the evidence of a few assize rolls, and to talk with assurance of a 'class movement' when such scarcely existed. All we can safely conclude is that both in country and town new elements were arising and claiming some voice in local government, at first purely by way of defending themselves against the oppression of royal or seignorial officials, and of the burghal aristocracies; and that the constitutional events of the years 1258-1265 are not to be regarded simply and solely as a prelude to the history of parliament but rather as the indication of important developments in the heart of the English social organism.

¹ f. 219b. 'Et si huiusmodi tenementum ulterius quam ad tertiam personam translatus non fuerit, locum non habebit breve de ingressu nisi sit qui dicat quod sine mentione de ingressu fieri possit breve hoc modo.'

PART II

SOME LEGAL RECORDS OF 1264-1270
RELATING TO THE PERIOD
OF DISTURBANCE

CHAPTER I

THE TERRITORIAL SETTLEMENT AFTER THE REBELLION

§ 1. *Legal Records of 1264-1270.*

IT is natural that most inquirers into the history of the barons' wars should be chiefly attracted by the military aspect of events and by the prowess in the field of the royal or the insurgent cause. It is the side most prominent in the contemporary chroniclers¹ (the remarkable Thomas Wykes excepted²), and the best-known monographs³ on the period, based upon them, are more concerned with deeds and personalities than with the social or economic condition of the country during those critical years. Especially is this the case for the time between the battle of Evesham and the Earl

¹ Though they give incidentally much valuable information on the plight of the disinherited and of the country in general. See especially Rishanger's account of the miseries of the country in his *Chronica*, p. 29, of the parliament of Bury St. Edmunds in 1267, *ibid.*, pp. 50-3, and of the answers of the disinherited in Ely to the legate, pp. 53-6; the *Liber Memorandum de Bernewelle* (ed. Clark), pp. 121-5, the Dunstable annalist's account of the Earl of Gloucester's sympathy for, and understanding with, the disinherited, in *Ann. Dunst.*, pp. 244-6; cf. *Ann. Winton.*, p. 105, and Add. MSS. 5444, pp. 82-3. The frequent incidental indications in *Robert of Gloucester*, ed. Wright, ii. 760-6, FitzThedmar's account of the treatment of the City of London in the *Liber de Antiquis Legibus*, 77-82, and the political poem printed from MS. Cotton, Otho D. VIII, f. 219, in *Chronicon de bellis*, ed. Haliwell, pp. 143-6, deserve, among others, special notice.

² For the years 1265-1267 there is no account which so clearly shows the relation between the state of the country and the policy of the Government, or maintains such a broad general view of the social condition of the country, as that of Wykes, after Matthew Paris perhaps the most acute chronicler of the century.

³ R. Pauli, *Simon de Montfort*, chs. v, vi; W. H. Blaauw, *The Barons' War*, 1844, and 2nd ed. (ed. C. H. Pearson), 1871; G. W. Prothero, *Simon de Montfort*, chs. ix-xi; Ch. Bémont, *Simon de Montfort*, chs. vi-viii; W. S. Bateman, *Simon de Montfort*, ch. xiv, and Dr. Creighton's short popular sketch, *Life of Simon de Montfort*, hardly fall within the same category. For a description of the tactics of the war, see C. Oman, *A History of the Art of War in the Middle Ages*, 2nd ed., i, ch. iv.

of Gloucester's pacification with the king in June 1267. In the conduct of administration these years, we are told, saw no striking innovations; ¹ constitutionally, they may attract more notice, for it has been claimed that they witnessed a development in the court of King's Bench and the beginning of the separation of that body from the Council.² But as far as their social history is concerned much information still remains to be gathered about the effect upon the country of the tenurial changes after Evesham, the sympathies of the *patria* during this period of unrest and disturbance, the administrative life at the time, how far interrupted, how far continuous. The same applies to the whole *tempus turbacionis*. At present we know very little of what happened in the rebellion to the lands and the rights of most rebels or loyalists; of the attitude of tenants to their lords when bidden to do service, whether they followed them under compulsion or with good-will, or whether they used the occasion to pay off old grievances and avenge bitter memories. Any indications, however small, of this sort would contribute towards the solution of the great and difficult problem which the scholar who writes for the first time a critical history of Henry III's personal government must ultimately face—the problem of the character and extent of the forces behind the baronial movement and of the support which it drew from the humbler, non-baronial elements in the counties; for, indeed, the more the administrative sources for the period are studied, the less certain it appears that the usual description of the rising, the 'Barons' War', conveys the full significance of the movement, although it may, no doubt, illustrate its external features pretty accurately.

The great difficulty in this line of search is, it need hardly be said, the darkness and confusion lying behind the tenant-

¹ Professor Tout, *Chapters in Mediaeval Administrative History*, i. 315, remarks that from an administrative standpoint 'the feature of these years is . . . the persistence in which ancient ways were followed'.

² Owing to the systematic reception there of criminal cases, many of which were heard under a newly devised writ of trespass, and the bringing before it of a special possessory action intended to give seisin of their lands to all dispossessed loyalists: J. M. Baldwin, *The King's Council*, p. 63 and n. 1. For conclusions on this head, cf. § 3 of the present chapter.

in-chief. To penetrate to the mesne and smaller tenants is at times, in absence of records, an impossible task. But a careful study of the mechanism of the settlement after the rebellion will bring the student face to face with classes and types of people not encountered in the narratives of the cloister and *scriptorium*, and will at any rate open out a wider view of the great social disturbance of these years. It is doubtful, however, whether results of value can be obtained from any other than intensive studies of single counties, wherever records permit. It is the object of these pages to help to prepare the way for work along these lines until the rebellion with its earlier constitutional preparation and its *sequelae* has been treated as the late M. André Réville treated the rising of 1381.

The *Dictum de Kenilworth* we may take as the nodal point in the social history of these years, and review first of all its interpretation and application, because the study of it serves as an introduction to records covering the various phases of the rebellion. The process of re-purchase (*redemptio*) which it prescribed and regulated involved a considerable amount of litigation, in the course of which both rebel and loyalist would state their cases, and in the end would frequently put themselves on the verdict of a jury. From such trials, from pleas of trespass and actions for recovery of stolen goods and invaded property—the inevitable aftermath of a rising—and from the extensive inquiries made by the Government into the fate of estates and the loyalty of individuals during the *tempus turbacionis*, much is to be learned. It will therefore be best to begin with a short sketch of the records of grant and re-purchase and some remarks on the procedure followed on the inquiries and the trials, before any attempt is made to form a picture of the social life of the country during the rebellion.

In the three sections that follow reference has been made to documents which, departing from a rigid administrative classification, I have ventured to arrange in three categories according to subject-matter: (1) Chancery Inquisitions and records of grants of land based thereon; (2) Curia Regis and Assize Rolls; and (3) Accounts and other fiscal records of

the sheriffs during the rebellion: a brief survey of each class in the above order may be found helpful. In spite of its unorthodoxy from the point of view of a strict archivist, such an arrangement has perhaps the advantage of preserving to some extent the sequence of the documents in their relation to the events of the period.

(1) *Chancery Inquisitions.*

(a) In the days immediately following the battle of Evesham loyalists in each county made a rush to seize the land of any rebels which lay in their localities. This inevitable, but highly irregular, proceeding did not suit the king, who was anxious to reward his followers in a more systematic fashion. With this object, therefore, in view and in order to secure possession of all rebel lands not yet seized, he ordered all holdings of rebels throughout England to be surrendered to him,¹ and at the same time appointed commissioners in each county to ascertain through local juries and in conjunction with the sheriffs the names and holdings of the more prominent rebels, to seize all such lands, and to institute collectors to receive the rents due from them at Michaelmas, 1265. The returns of the commissioners, hundred by hundred, lay, before they found their present home, in a separate bundle among the Escheats in the Tower, though the contents were not referred to in the *Calendarium Inquisitionum post mortem*.² They were searched by Roger Dodsworth when he was working on Chancery records,³ and in 1649, or shortly after, he set two copyists to make an

¹ The surrender was to take place on 17 September; *C.P.R.* 1258-1266, 490.

² For a brief note on the inquests, and a summary of the history of the *Inquisitiones post mortem* and *ad quod damnum*, see *Cal. Inq. Misc.* i. vii-xiii. Dugdale in his *Baronage* regularly refers to these returns as 'Esc. 49 Hen. III.'

³ See Joseph Hunter, *Three Catalogues*, pp. 73-4. For Hunter's estimate of Dodsworth's work, cf. p. 62: 'It is an unwise act of affection to his memory to attempt to rest his fame on anything than that by wonderful exertion and industry he prepared materials to be used by other men, and has preserved a prodigious mass of information for historical writers, which is now nowhere to be found but in his volumes.' Hunter gives him full credit for his work on the *Monasticon*, but does not indulge in the rhapsodies of Hearne or the strictures of Anthony Wood. For a modern judgement see *D.N.B.* xv. 177.

abstract,¹ with special attention (as was natural) to the Northumberland and Yorkshire returns. The transcripts or rather abstracts are headed *Ex bundello Inquisitionum de anno 49 H. 3 intitulato Inquisitiones de Rebellibus et aduersariis domini Regis et domini Edwardi filii sui facte anno regni Henrici filii Regis Iohannis Quadragesimo nono post bellum de Lewes et post bellum de Euesham*, and present some interesting features. They are numbered consecutively up to 42,² the numbers being apparently those of the file itself. Between numbers 42 and 43 the copyist inserted a group which he found unnumbered, describing each as 'sanz nombre'; they refer largely to Essex. At 43 the numbered series begins again and the copyist made rather a sparse selection of hundreds as far as 199, at the end of which he wrote³ 'Explicatur bundellum'. Whether the three returns which follow were in another bundle or not it is hard to say; one of them, the return of the Ward of Northumberland between Coquet and Tyne,⁴ strayed into the Chancery Miscellanea,⁵ but was replaced in 1920 among the Inquisitions;⁶ the other two, of which there seems to be no trace discoverable, were Yorkshire documents, one of the Wapentake of Strafford,⁷ the other of the Liberty of St. Peter's, York,⁸ and are copied much more carefully than the earlier abstracts. But the most curious and interesting document was no. 1 in the bundle, a Gloucestershire return, which like the two Yorkshire returns

¹ Dodsworth Transcripts, Bodleian Library, xl. 189-232. Dodsworth wrote in the margin with his own hand the counties to which the returns relate. The date is not absolutely certain, but the abstracts of *Inquisitiones post mortem* in the escheats, which immediately precede these transcripts, are labelled 1649.

² In place of no. 25 are two returns which the copyist (p. 196) heads 'sanz nombre': the first is 'literae congratatorie et excusatorie Baronum de Hastyng'; the second is the extent of Robert Pigot's lands in Wiltstone and Easton Pigot, Shropshire, which is, I believe, C. Inq. Misc., File 20 (31), *Calendar*, i. no. 487, and bears no relation to the present inquiry. The returns are very much abbreviated and evidently (e.g. no. 3, Worcester) not always understood.

³ p. 219.

⁴ Printed in Bain, *Calendar of Documents relating to Scotland*, no. 1759 (iv. 354-5).

⁵ Where it was Chancery Misc., 22/6.

⁶ Now C. Inq. Misc., File 29, no. 47.

⁷ pp. 226-30.

⁸ 'Hoc est uerdictum Iuratorum de Libertate Beati Petri,' pp. 231-2.

just specified seems also to have perished. It was headed, according to the copyist, *Isti sunt qui fuerunt contra Dominum Regem in hac guerra qui habent terras in com' Glouc'*. Then followed a large number of names arranged in two columns under the headings *Isti sunt qui venerunt ad pacem domini Regis*, *partim ad dominum Regem*, *partim ad comitem W. Mariscallum*¹ *si domino Regi placuerit*, and *Isti sunt qui non venerunt ad pacem domini Regis*, respectively. It is simply a list of rebels and loyalists and differs from all other surviving returns in that it bears no indication of the extents of the rebel lands and it is noticeable that the list of those who did not make their peace² is considerably larger than the list of those who did,³ but their relative status is hard to determine; one conjectures that the return was made soon after Evesham, perhaps while the king was at Gloucester from 10-30 August. The second inquest on the other hand is headed by the copyist *Inquisitio et extenta facte de terris et tenementis aduersariorum et rebellium* and is one of the great 1265 series.⁴ The former then scarcely belongs to the tenurial inquests at all: but as a list of personnel it is very interesting.

Nearly three hundred years after Dodsworth's day the *Inquisitiones de rebellibus* were sorted, rearranged under counties,⁵ and calendared.⁶ The late Mr. W. H. Blaauw when writing his *Barons' War* had recourse to the returns for Sussex, but, as his editor remarked,⁷ could not make very much out of them in their unclassified condition. Now, however,

¹ There is no Earl William Marshal at this time. The names in the two columns quite clearly refer to landholders of 1265, and one can only conjecture that Dodsworth's transcriber wrote *W.* for *R.* Mariscallum, i.e. Roger Bigod the Earl Marshal, who the next year was granted a commission (*C. P. R.* 1258-1264, 618) to receive into the king's peace 'all those of the counties of Norfolk and Suffolk who wish to come in'.

² Which includes the Earl of Hereford, Geoffrey de Luci, Robert Marmion, jun., Geoffrey de Mandeville (deceased), Fulk Fitzwarin.

³ Which includes the Earl of Warwick, Robert Bigod, Nicholas Poyns.

⁴ It is *C. Inq. Misc.* 30 (73) Worcestershire, *Calendar*, i. no. 936. There is no mention in this abstract of Dame Emma de Sancto Iohanne in the Hundred of Dodintre.

⁵ In *C. Inq. Misc.*, Files 17-20, 25-30, and 34.

⁶ *Cal. Inq. Misc.* i, nos. 609 to 940 and 1024 (Kent).

⁷ C. H. Pearson, *The Barons' War*, 2nd ed., p. 310.

admirably arranged and indexed, they are of considerable historical value owing to the light they throw on prominent personalities and incidents of the rebellion, on the fate of the lands of rebels both during the war and immediately after Evesham, and on the tactics pursued by the Earl of Gloucester in the days following the battle. With their limitations in matters where precise evidence is required we shall deal later on.

(b) *Records of grants of land based on the information contained in the returns.* Acting on this information—or, it must be suspected, in some cases before it came in—the king was able to grant away the lands of rebels to his supporters.¹ Such grants are found in four places: a Supplementary Close Roll;² a roll preserved in the Miscellanea of the Exchequer³ printed by Joseph Hunter in his *Rotuli Selecti*⁴ (1834); in the Charter Roll for 1264–1265, and in various entries in the Patent Rolls.

The grants on the Charter Roll, which begin at Canterbury on 25 October 1265, are not very numerous.⁵ They occur just at the end of the Charter Roll for 49 Hen. III,⁶ but the subsequent roll for 50 Hen. III is simply a fragment,⁷ containing no grants at all. The reason may be that, so many having to be made, a special list was prepared, or perhaps that the membranes of the Charter Roll (or Rolls) on which these grants were recorded were later, after the *Dictum* settlement, destroyed because they were unwanted—or for

¹ The author of the *Flores Historiarum* states that the sentence of disherison was pronounced on 13 Oct., and that the king gave away the lands of the rebels to his supporters 'without delay', iii. 7. But cf. Appendix VII, p. 378, where a plaintiff speaks of the king's 'first grants at Canterbury' (Oct. 22–31). The Patent Roll shows that it was chiefly the houses of rebels in the city of London which the king granted away until he went to Canterbury, *C. P. R. 1258–1266*, 463–9.

² No. 3.

³ 1/24.

⁴ pp. 247–58.

⁵ Cf. *C. Ch. R.* ii, pp. 56, 58.

⁶ Charter Roll 54.

⁷ No. 55; to which two other fragments were added in 1923 from the Chancery Unsorted Miscellanea, recording the end of the Charter (no. 55) in favour of St. Andrew, Rochester, dated Westminster, 3 Dec. [1265], a grant to Edmund, the king's son, of the castles of Cardigan and Carmarthen surrendered by Edward to the king, the *Inspeximus* of a Charter to Calais, and a further *Inspeximus* dated Kenilworth, 26 July, 1266.

very shame. Now the mention of a special roll occurs in the case heard *coram rege* in 1267 touching the manor of Theydon,¹ which will be cited later, and it is possible that the Exchequer Document referred to above, which seems to have come out of the Rageman bag—it has the words ‘Ragemann bag’ written in faint letters on the dorse—may be the duplicate of a special roll of this character kept by the Chancery. It has no title, and the one printed by Joseph Hunter, *Terrae Rebellionum datae fidelibus tempore Regis Henrici III in diversis comitatibus Angliae*, is written at the bottom of the dorse in a sixteenth-century legal hand. It consists of two membranes, on only one of which are noted in the margin the counties where the lands granted lie. The grants are not systematically arranged and the absence of county identification through part of the roll makes them difficult to follow. But it is clear that there is no territorial grouping of the *terrae datae* intended; the principle, if there was one, seems to have been to assign to the loyalist so many librates of land—the grants ran roughly in hundreds and fifties, 300*l.*,² 200*l.*,³ 100*l.*,⁴

¹ C. P. R. 175, m. 15 d, printed in Appendix VII. This may be the ‘rotulus’ of Walter de Helyon, ‘in quo continebantur donaciones quas dominus Rex fecit singulis’.

² Robert de Nevill (m. 2); William la Zuche (m. 2). Henry gave his relations considerably more than this. The Queen’s portion cannot be estimated accurately, but it certainly exceeded 300*l.*; she received all the lands of Henry de la Pomeray (Devon and Somerset, *C. Inq. Misc.* i, nos. 865, 870; cf. Dugdale, *Baronage*, 499), John d’Eyvill (*C. Inq. Misc.* i, 939, 940, who had, besides, the manor of Egmonton, Notts.), Ralph Perot (land in hundreds of Estreye and Wengham, Kent, *C. Inq. Misc.* i, 732, 764; he was active in Essex during rebellion; cf. Hunter, *Rotuli Selecti*, 112–15), Ralph Heringaud (? brother of William Heringaud, in Huntingdonshire, *C. Inq. Misc.* i, 719), Hugh Peverel, except manors of Sandford and Talton (lands in Bucks., *ibid.*, 631, Devon., *ibid.*, 649, Wilts., *ibid.*, 932), Norman d’Arcy, Norton excepted (Lincolnshire, *ibid.*, 792, 798), Geoffrey de St. Leger, Roger de Lascelles (who appears to have held in the Honour of Richmond, *ibid.*, 518), and Avice de Lascelles, when the lands which she held from Roger’s heir fell in. Geoffrey de Lusignan got more than 400*l.* value. The honour of Leicester went, as is well known, to Edmund, the king’s son.

³ e.g. Roger de Morteyn, m. 2.

⁴ e.g. Amaury de St. Amand, Geoffrey de Fancourt, John Lovel (who received the lands, wrongfully granted away, of a loyalist, James le Sauvage), Matilda, wife of Roger Mortimer, Hugh Mortimer (m. 1); Thomas Corbet, William FitzWarin, Nicholas de Yatingdon, Ralph FitzRanulph (m. 2).

50*l.*,¹ or 40*l.*,² 10*l.*,³ 100*s.*,⁴ and less—to be made up from the entire⁵ holdings of one, two, or more persons in different parts of the country. The Supplementary Close Roll (4 membranes) is not a counter-roll or duplicate of this Exchequer document, but for the most part is a chancery memoranda roll of the grants made and of the writs of livery consequently sent to the sheriffs, as recorded in it from day to day.⁶ At the end of the grants made in October 1265 it records (25 November⁷) a provision of the king and Council to the effect that subjects who had taken no part against the king in the war, yet had had their lands granted away, might appear *coram rege et consilio* and establish their innocence, and, if

¹ e.g. John de Beauchamp, Ralph de Gorges, junior (m. 1), Roger de Males (m. 1 d.), Reginald de Grey, Bernard de Balliol (m. 2).

² e.g. John Waleround, Richard de Stiveton (? Steventon), Berenger le Moyne (m. 1), Simon de Crey, junior (m. 2).

³ Adam Maunsell, Charles, son of Geoffrey de Scalariis (m. 2).

⁴ The most numerous class, partly made up of men now, or hereafter, mentioned as household officials: Thomas de St. Vigor, Ralph de Bray, Simon de Arden, Osbert de Ewe (m. 1), John de Oxlundon (? Oxenden), Richard Burnel (m. 1 d.), William de Biset, the king's butler (*C. P. R.* 1258–1266, 254), Robert de Wylers, Roger de la Launde, William de Columbariis, *valettus regis* (ibid., p. 565), Nicholas, doorkeeper of the Wardrobe, Henry Wade, the king's cook (*C. P. R.* 1266–1272, 134, 142, &c.), Ralph de Gorges (a *seisitor* in the county of Dorset, Aug. 1265, *C. P. R.* 1258–1266, 490, and constable of Exeter Castle, ibid., 508), Robert de Markeis, Geoffrey le Espigurnel (perhaps from the Chancery, though he may have been a brother of Nicholas Spigurnel, the sheriff of Norfolk and Suffolk), Walter Hachard, William de Stenesby (Staynesby), *valettus regis* (*C. P. R.* 1266–1272, 310, 360), Robert de Bygod, *valettus regis* (ibid., 75).

⁵ The exception of a single manor was sometimes made in order to give the wife of the rebel sufficient for her sustenance.

⁶ It is the roll entitled 'Rotulus de terris duellionum a Rege diversis personis concessis' (the title is not contemporary) listed (1841) among the Miscellaneous Rolls in the First Part of the Inventory of Records in the Tower, *Second Report of the Deputy Keeper of the Public Records*, Appendix II, p. 53. Cf. Giuseppi, *Guide to the Public Records*, i, 25.

⁷ m. 2 d: 'Memorandum quod prouisum est per Regem et totum consilium suum quod omnes qui se dicunt parti Regis adhesisse et arma contra Regem aut filium suum non portasse nec de guerra seu turbacione habita in regno Anglie in nullo se gratis intromisisse per quod exheredari non debeant ad curiam ueniant saluo et secure et coram Rege et consilio suo se offerant ad purgandum innocenciam suam de premissis: et interim nulla fiat donacio de terris seu tenementis suis. Et si aliqua donacio de terris et tenementis aliquorum huiusmodi per breve vel cartam processerit, facta purgacione predicta reuocetur et pro nulla penitus habeatur. Teste Rege apud Westm' xx. die Nouembris.'

their proof was accepted, recover;¹ and a further provision that gave to all charged with acts of hostility and were consequently about to lose their lands the chance to appeal and get a stay of execution until their cases had been investigated.² A considerable list of names follows each provision, throwing a somewhat lurid light on the methods adopted by the loyalist magnates and the Government after Evesham. The roll records a considerable number of grants not to be found on the Exchequer document, in particular that of the county and honour of Leicester and the Stewardship of England to Edmund, the king's son, dated 25 October. Owing to the somewhat miscellaneous nature of the contents it is a little difficult to see the exact relation of this roll to the 'Terrae rebellium'. Provisionally, one may call it a document complementary to the Exchequer record, though this does not satisfactorily solve their relations.

(2) *Curia Regis and Assize Rolls.*

Trials in connexion with the rising began before the king in person at Warwick on 6 October 1265,³ and the great majority of the more important criminal proceedings of the next six years are met with in the *Placita coram rege*. Examination of the Curia Regis Rolls from October 1265 to

¹ m. 2 d.: 'Prouisum est concorditer quod si aliqui ad curiam accedant offerentes se purgare et stare recto, si qua eis obiciantur vel imponantur de transgressionem vel forisfactura aliqua ob quam essent exheredandi, nichil de terris eorum detur alicui donec euictum fuerit utrum culpabiles fuerint de huiusmodi transgressionem seu forisfacto: sed iusticia fiat eisdem secundum prouisionem per dominum Regem et suum consilium inde factum.'

² m. 3 d. General comprehensive grants of lands and tenements before 30 Oct. 1265 are on mm. 3 and 4; grants of certain specified manors to loyalists are on m. 3 d. and m. 4 d. To m. 2 is attached a small schedule containing certain petitions of Roger de Clifford. One is interesting: 'Dominus Rogerus de Clifford petit terras exheredatorum, sibi datis pro CCC libris, sibi in solidum sive sit ibi plus vel minus'—the king had promised him a reward of 400*l.* value; evidently Roger was content with what he had got in lands as the equivalent of the sum, and wished to accept it *en bloc* without any calculations as to its exact value.

³ The majority of the pleas this autumn were heard at Canterbury, C. R. R. 174, m. 6-m. 14.

Hilary 1270 shows that the bulk of the rebellion trials are to be found in the following:

*Number of Curia Regis
Roll.*

Date.

Term.

174	49 and 50 Hen. III	Michaelmas
175	50 Hen. III	Hilary
177	50 and 51 Hen. III	Michaelmas
178	51 Hen. III	Hilary
181	51 and 52 Hen. III	Michaelmas
182 ¹	52 Hen. III	Hilary
184 A	52 Hen. III	Easter
185	52 Hen. III	Trinity
186	52 and 53 Hen. III	Michaelmas
187	53 Hen. III	Hilary
189	53 Hen. III	Trinity
191	53 and 54 Hen. III	Michaelmas
193	53 and 54 Hen. III	Michaelmas
197	54 Hen. III	Hilary
198	54 Hen. III	Easter

It would be inaccurate to say that the rebellion cases are not found in *coram rege* records after 1270. They continue, though in decreasing numbers, in these records as far as the early years of Edward I.² It would be equally misleading to assert that the rolls labelled *Placita apud Westmonasterium* do not contain important criminal cases;³ but the criminal

¹ This is the only roll of its kind for this period described as *Placita de Assisis et Iuratis coram domino rege*, but it does not differ intrinsically from the ordinary *placita coram rege* roll.

² e.g. Coram Rege Roll 3, m. 1, m. 4 (Coram Rege Roll 4, m. 2), Hilary, 1 Edw. I, the case of Osbert Giffard: 'Idem dominus Rex licet iter iusticiariorum suorum [quos] ad placita de terris datis occasione turbacionis predicte audienda et terminanda assignavit quibusdam certis de causis suspendi fecerit ad tempus, executionem eiusdem dicti [de Kenilworth] in ipsius Henrici vel alicuius alterius preiudicium nolens ulterius prorogari, precepit vicecomiti quod scire faceret dicto Osberto etc.'—which shows that the legal settlement was still in progress in 1273.

³ e.g. C. R. R. 180, m. 13, where John de la Lynde (Somerset) and Isabella de Fortibus (Northants.) are plaintiffs in cases of forcible entry and robbery; m. 24, Eudo de Shillingfield (Kent); for other criminal prosecutions, not expressly stated to be brought for offences 'occasione turbacionis', see m. 5, m. 16, m. 22, m. 27.

suit brought for an offence 'occasione turbacionis' is far more the exception than the rule in these rolls, which we may definitely label *de banco* records. This is wholly in accordance with the practice of the period immediately before the war. A comparison of the *Placita coram rege* and the *Placita apud Westmonasterium* for the autumn and early winter of 1260¹ will show that the former contain a far greater number of felonies—personal trespass, forcible entries, violence, and thefts of all kinds—while the bulk of the land-pleas, except where the king's rights are concerned, are to be found in the latter. The Feet of Fines bear out the point.² It is interesting to note that as soon as the activity of the *coram rege* court appears to slacken—which if we may judge from the almost complete lack of its records seems to have been the case from 1261 to 1265³—felonies flow into the *de banco* court.⁴ The differentiation of business, if not of personnel, is already fairly complete before the period of disturbance. The forms have become fixed, the procedure has hardened.

From Michaelmas Term 1265 to Hilary Term 1268 the

¹ C. R. R. 168 and 169 respectively.

² The Pedes Finium for 1261 and 1262 are almost exclusively concerned with conveyances made in the Bench or *coram Iustitiariis itinerantibus*.

³ Argument from absence of records is dangerous, for entries in the post-rebellion Rolls show that during this period trials were going on. C. R. R. 181, m. 27 d.: 'Placita coram domino Rege de quindena Sancte Trinitatis anno xvij [obviously xlvij] de tempore Philippi Bassat tunc Iusticiarii Anglie', and 'Placita coram domino Rege in Octabis sancti Iohannis Baptiste anno xlvij de tempore predicti Philippi tunc Iusticiarii Anglie'; and C. R. R. 184 A, m. 14 d., a series of cases touching the socmen of the manor of Crendon (Bucks), the headings of which are: 'Placita coram domino Rege a die Pasche in xv dies anno regni regis Henrici tercii xlvj'; 'Essonía de malo veniendi capta coram domino Rege a die sancte Trinitatis in xv dies anno xlvj'; 'Placita coram domino Rege a die sancti Michaelis in xv dies anno xlvj incipiente xlvj'; 'Placita coram domino Rege in Octabis sancti Hillarii anno xlvj'; 'Placita coram domino Rege a die Pasche in unum mensem anno xlvj'. These entries point to a fairly continuous series from Easter 1262 to Midsummer 1263.

⁴ C. R. R. 171, mm. 3, 6, 7, 9 d., 11, 13, 15, 23 d., 24 d., 27, 27 d. (two cases), 35, 38 d., 39, 41 d. (two cases), 42 d., 45 (appeal), 51, 54, 61 d., 62 d., 65 d., 66 d., 72 d., 75 d., for pleas of personal trespass and other felonies in 1261 (Michaelmas). The same thing is to be found in the summer of 1263. Cf. C. R. R. 173 B, mm. 1, 5 d., 6, 6 d., 7 d., 8, 8 d., 9, 9 d., 11 d., 14 d., 16 d., 18 d.

Curia Regis rolls yield in great numbers two types of cases which are invaluable for the historian: pleas of trespass, where violence and robbery have been done to loyal subjects; and pleas initiated under special royal provision by loyalists for recovery of lands of which they had been deprived during the rising.¹ Suit in such cases is invariably brought under writs of trespass by individuals, never by the Crown, unless royal demesne has been invaded. A good many of the former type of case are suits for offences committed *post pacem nuper publice clamatam*,² and it was well to state this in pleading, for later on a number of defendants when charged with felonies alleged *tempus guerre, tempus hostilitatis*, and thought to except to the writ³ or at least to have the case adjourned before the justices on special Eyre⁴ on this pretext. There is no evidence, however, that such a plea in defence was accepted by the court. From 1265 to 1267 there is also a fair sprinkling of inquests into acts of robbery and spoliation, begun by precept to the sheriff who sent the record of the local jury to Westminster.

¹ Abstracts of a number of these cases are given in *Abbreviatio Placitorum*, pp. 156-75; but the very nature of this work compelled the omission of matter of historical importance, and it passes over many important rolls. 'The *Abbreviatio Placitorum*, compiled in the first half of the seventeenth century, commands respect both for the standard of scholarship to which it attains and for the discrimination with which the entries it gives were chosen. But it is confessedly selective: a number of rolls appear not to have been examined; on an average it is probable that it deals with less than one entry on each membrane; and even there a complete transcript is not given, but instead an abstract, in which from time to time difficult problems are evaded by the use of the word *etcetera*.' *Curia Regis Rolls of the Reign of Richard I and John*, Introd., p. vii.

² e.g. C. R. R. 174, m. 13; no. 177, m. 4, &c.

³ C. R. R. 189, m. 11 d.: 'Dicit quod non tenetur ei ad hoc breve respondere quia dicit quod tempus unde fuit mentio in narracione sua fuit tempus hostilitatis et idem Thomas fuit homo guerre et adherens parti aduerse.'

⁴ C. R. R. 189, m. 25 d.: 'Et petit iudicium desicut provisum est et ordinatum per dominum Regem et magnates suos qui sunt de consilio suo quod omnes transgressionibus que facte fuerunt eo tempore debent implacitari coram Iusticiariis assignatis ad placita de terris datis et non alibi.' The plaintiff's counter-pleading is interesting. 'Et predictus Philippus per attornatum suum dicit quod dominus Rex sua regali potestate unicuique de regno suo potest et debet coram ipso Rege super transgressionibus eisdem factis per quoscunque de regno suo transgressionibus predictas . . . audire et terminare.'

The wholesale granting away of lands in the autumn and winter of 1256 provoked the embittered resistance of the 'disinherited', the kernel of which was Kenilworth. The siege at length over, terms were granted to the rebels, which were embodied in the famous *Dictum*. This provided for the recovery by the disinherited of their lands at a scale of redemption varying according to the extent to which they had participated in the rebellion, and in a number of cases, therefore, litigation was necessary in order that the amount of guilt might be discovered and the corresponding 'redemption' fixed. Now it is interesting to note that for a full year and a half after the *Dictum* these re-purchase trials hardly figure on the *coram rege* rolls. The earliest which I have been able to find took place in the Hilary Term of 1268.¹ It is possible that the cases came exclusively before a committee of twelve special justices² (to be distinguished from the 'dictores' or umpires of the *Dictum*³) appointed in February 1267 'to hear the complaints of the disinherited' and that the record of pleas held before them has been lost; but more likely it was not till the Earl of Gloucester and the king had come to terms at Stratford, i.e. the promise of better conditions for the disinherited under the earl's protection given and the return of lands and prisoners stipulated for,⁴ that a real settlement of the disturbed country was possible or recourse generally had to the principle of the *Dictum*. Even then the disinherited seem generally to have lacked the wherewithal to pay; and though the settlement in the counties had begun in the early part of Lent, 1268,⁵ one and

¹ C. R. R. 181, m. 26 d.

² Close, 51 Hen. III, m. 10 d. They were the bishop of Man, Richard de Middleton, Robert de Nevill, Roger de Sumery, Alan la Zuche, Adam Gesemuth, Henry de Bratton, the abbot of Tintern, Eustace de Balliol, John Lovel, William de St. Omer, Simon de Creye. Cf. Maitland, *Bracton's Notebook*, i., Introd. 22, n. 1, where the name of John Lovel is omitted.

³ S. R. i. 18.

⁴ By the mediation of the indefatigable arbitrator Richard of Almain: C. P. R. 1266-1272, 70-2.

⁵ A. R. 618 (Northants), m. 1, where the date is only given as 'anno regni Regis Henrici L secundo', but an adjournment 'coram domino Rege in crastino clausi Pasche' makes the point more certain. A. R. 237 (Essex), m. 1: 'die Mercurii proxima post primam Dominicam Quatragesima anno regni Regis H. fil. Reg. J. lij.'

by no means an unimportant item in the agenda of the conference summoned by the legate Ottoboni from 21 to 23 April was the question of an aid to enable former rebels to pay their redemption fines, which the clergy¹ and possibly a certain number of boroughs² consented to raise. That the projected re-purchase was only very gradually resorted to can be seen in another way. Examination of the Chancery recognizances to be found on the Close Rolls of 50-53 Henry III³ shows that it was not till the summer of 1267 that prominent rebels who had made their peace with the king accepted the terms of the *Dictum*, came into the Chancery, and acknowledged (*recognoverunt*) that they owed the loyalists, to whom their lands had been originally granted, sums of varying sizes for their re-purchase.⁴ Exactly how the sums were fixed is not always clear. It seems often to have been a matter of informal agreement in which the king was not directly interested, as he had already extracted considerable amounts from the ex-rebels for remission of his royal indignation. *Non enim Deus iudicat bis in idipsum*. But when guilt or degree of responsibility was contested,

¹ *Letters from Northern Registers*, ed. Raine, p. 17. The *nobiles* (i.e. the disinherited), according to Ottoboni, declared that they could not pay, 'nisi eis subventio fieret aliunde'.

² A very interesting document from the miscellanea of the Chancery, now Parliament and Council 66/6, identified by Mr. G. O. Sayles, records the summons to a Council after Easter of the 'dictores dicti de Kenilworth', who are the twelve mentioned in the 'Act of Umpirage' (*S. R. ut supra*), and of the following boroughs: York, Lincoln, Northampton, Stamford, Norwich, Cambridge, Lynn, Oxford, Worcester, Gloucester, Shrewsbury, Hereford, Bristol, Winchester, Southampton, Canterbury, Chichester, Rochester, Bath, Coventry and Lichfield, Exeter, Ely, St. Edmunds, Yarmouth, Ipswich, Dunwich. A writ to the Sheriff of York (*ibid.*) states that the Council is to be held 'super arduissimis negotiis nos et statum et communitatem regni nostri tangentibus'. Sayles, *E. H. R.* xl, 580-585.

³ See especially Close, 51 Hen. III, m. 4 d., 3 d., 2 d. A good example is in Close, 52 Hen. III, m. 11 d. Robert Hasteng 'recognizes that he is bound in 1400 marks sterling to Hugh de Turbervill for manor of Lymington, co. Warwick; in testimony of which he has apposed his seal'; 'et ad maiorem securitatem hanc meam concessionem in curia Domini Regis recognovi et spontanea mea voluntate in rotulo Cancellarie domini Regis feci inrotulari'.

⁴ The 'conventiones' stipulating amounts and dates of terminal payment are in a number of cases to be found on the *coram rege* record: cf. for example C. R. R. 185, mm. 1, 9, 10, 21.

then a suit generally heard locally before the justices *de terris datis et occupatis* was inevitable. The juries in these *Dictum* cases throw a great deal of light on the state of the country in general and of special areas in particular during the disturbance.

Peace made between king and earl, and great numbers of the disinherited at length received back into grace,¹ special justices were sent to take more thoroughly and in greater detail than in 1265 the record of lands granted away or seized during and after the period 1263-1265, to hear presentments of offences committed throughout the whole period of disturbance², and to apply the terms of the *Dictum* in an equitable spirit. The surviving records of this special Eyre are the following Assize Rolls:³

South of England	No. 1207	Surrey, Kent, Sussex	52-53	Hen. III	Placita coram W. de Sancto Omero et sociis suis de terris datis et transgres- sionibus factis tem- pore turbacionis.
Midlands	„ 42	Berkshire	52-56	„ „	Placita coram N. de Yatingeden et sociis suis Iusticiariis ad pla- cita de terris datis, etc. occasione turba- cionis habite in regno.
„	„ 618	Northampton- shire	52	„ „	Placita coram N. de Yatingedene et sociis suis (de terris datis occasione turbacio- nis).
„	„ 59	Buckingham- shire	53-55	„ „	Placita coram N. de Yatingeden et sociis suis de terris datis occasione turbacionis habite in regno.

¹ See the lists in *C. P. R. 1266-1272*, 148-51, 157-8.

² 'Tempus guerre' as defined in the 'Addicio Dicti de Kenilworth' (*S. R. i.* 18) officially ran from 4 April 1264 to 17 September 1265. 'Tempus turbacionis', which may or may not be the same, at any rate in the proceedings before the Justices in Eyre, was made to cover events as late as 1267 when the king lay at Stratford: see *A. R.* 59, m. 17 (Appendix XI, § 4).

³ The descriptions given in *P. R. O. Lists and Indexes, ut supra*, have been quoted here.

East Anglia No. 237	Essex	52	Hen. III	Placita coram Willelmo de Sancto Omero et sociis suis de terris datis et occupatis occasione turbacionis habite in regno.
" " "	83 Cambridge-shire	53	" "	Placita coram W. de Sancto Omero et sociis suis. Placita de terris datis, etc. occasione turbacionis habite in regno.
" " "	569b Norfolk	? 54	" "	Placita (de terris datis).
" " "	821 Suffolk	54	" "	Placita de terris datis coram W. de Sancto Omero et sociis suis. Presentaciones.

The Commissions of the Justices, the articles of inquiry, and the general content of these rolls will be discussed in the next chapter; but purely on the question of the composition of the record it may be remarked here that the rolls of William de St. Omer show in every case more methodical and orderly system of entry than do those of Nicholas de Yattendon. The East Anglian rolls—with the exception of the single membrane for Norfolk, which is simply a list of *terrae datae*—begin with *Placita* (mainly pleas of trespass and actions for re-purchase under the *Dictum*) and Inquests, after which come the formal presentments, hundred by hundred, of the lands of rebels, whether seized and granted away or not, and of offenders 'occasione turbacionis'¹ filling (the list of jurors included) the remaining part of the roll. In the Midland rolls, on the other hand, with the partial exception of that for Berkshire, it is not always easy to detect such a division, a fact due, perhaps, to the way in which the

¹ In A. R. 83, m. 1-3 d. contain *placita*; the presentments by hundreds begin on m. 3 d.; in A. R. 821, mm. 1, 2 have *placita*, m. 2-7 presentments. In A. R. 237, m. 1-5 *placita*, 5-8 presentments; on 8 d. are inquisitions. A. R. 1207, 1-3 d. contain *placita*, 3 d.-4 d. presentments, 4 d.-9 *placita*. The presentments in this roll are simply of *terrae datae occasione turbacionis*. The marginal *cras*, frequently occurring in the Cambridgeshire roll, shows that the record was written in court and not copied later from rough jottings.

membranes have been filed, but more, one cannot help thinking, to unsystematic recording. In the Buckinghamshire roll, for example, *placita* occupy four membranes. Then¹ follows the list of jurors with their *electores*, according to hundreds and townships, which is generally to be found at the end of the other rolls; but in the business which comes next ordinary pleadings are mixed up with the formal *X attachiatus venit et Iuratores imponunt ei quod etc.* (the normal way in which presentments are recorded on Yattendon's rolls), so that the appearance of the record suggests that while the presentments are being made plaintiffs are allowed to come into court and complain without having their cases put into the mouths of the hundred jury, as elsewhere.² The names of the hundreds are recorded in the margin, not at the top or in the centre of the membrane, and the hundreds are in very confused order.³ Very much the same thing is to be found in the Northamptonshire roll, where generally the mention of the hundred is in the text of the case itself and not placed in the margin or as a heading.⁴ In the rolls of William de St. Omer these *querelae* and pleadings would have been kept distinct from the presentments. But too high a standard of arrangement is not to be looked for. It is doubtful if any other medieval Eyre remained as long in the counties as this,⁵ and cases were perpetually being adjourned for inquiries as to a man's holdings or chattels in neighbouring hundreds or in other counties to be made.⁶ Sometimes there is hardly room in the space left

¹ m. 4.

² It is quite possible that when the presentments for a certain hundred were made the complaints and suits of private individuals of the hundred were heard on the same occasion.

³ See especially A. R. 59, m. 15, 15 d.

⁴ Cf. A. R. 618, m. 17, 17 d., e. g. 'Robertus serviens parsonie de Waldesgrave attachiatus per presentacionem xij iuratorum hundredi de Spelho quod veniret hic coram iusticiariis super transgressionem tempore turbacionis facta, qui venit et Iusticiarii imponunt ei quod . . .'

⁵ The appointment in June, 1271, of Ralph de Hengham and Stephen de Penecestre as Justices of oyer and terminer *de terris datis et transgressionibus factis tempore turbacionis* in place of William de St. Omer in Kent (C. P. R. 1266-1272, 543) shows that the business of the Eyre had not been finished by 1271; and see p. 157, n. 2, where the Eyre from 1272-1273 is 'suspended for a time'.

⁶ Default of the townships will sometimes delay proceedings. Cf. A. R. 618, m. 7 d.

by the clerk for the completion of the case, for both in the Cambridgeshire and the Buckinghamshire rolls the headings to the cases seem to have been entered at regular intervals before the parties came into court. Process of time, miscalculations of space on the record, changes in the place of session, will account for a good deal. Nicholas de Yattendon, for example, spread out his cases over two years or more. He begins trying Buckinghamshire cases on 11 February 1269 at Newport Pagnell.¹ He is sitting again in the county on 3 November² and 18 November 1269³ at High Wycombe, and a year apparently goes by before he is back again sitting at Aylesbury on 12 November 1270.⁴ His last appearance is at Newport Pagnell on 10 February 1271.⁵ The irregularity of his visits will help to account, in one case at least, for the somewhat perplexing method of enrolment.

These Eyre rolls are of importance for the social history of the rebellion both before and after 1265, both as the record of prolonged local disturbance and also to some extent as evidence of local variations in the rising. But the reader has to bear in mind that the king had won, and that the local jurors, if their sympathies had been on the baronial side during the disturbance, would not be too extreme to mark what was done amiss. In many cases a laconic 'culpabilis' or 'non culpabilis' is all the *verdictum* given; for several years had elapsed since the exciting scenes of which the jurors were asked to bear witness.

The value of these rolls was grasped by a great record scholar in the early part of the last century. The whole of the Essex roll, large parts of the Northamptonshire roll, and parts of the records for Cambridgeshire and Suffolk were printed by Joseph Hunter in his *Rotuli Selecti* (1834). In his preface⁶ he said:

Of the Pleas for the other counties [Northants., Cambs.,

¹ A. R. 59, m. 2.

² Ibid., m. 14.

³ Ibid., m. 5.

⁴ Ibid., m. 15.

⁵ Ibid., m. 7. The present order of the membranes containing these dates is clearly not the original one. With this compare the Berkshire roll (A. R. 42) where the trials are spread over four years.

⁶ p. xxxvii.

Suffolk] extracts only are printed of matters which appeared to the gentleman to whose care the publication of this volume had been confided to possess the most curiosity and interest.

Hunter was not interested in the status or tenure of persons 'presented' by the hundred juries to the justices. Incidents rather than persons caught his attention; but he saw clearly the historical value of the pleas, as the best comment on the terms of the *Dictum*,¹ and as providing important indications for the local history of the rebellion. This is particularly the case in his sagacious selection from the Northamptonshire roll.

(3) *Accounts and other fiscal records of the sheriffs.*²

(a) Details of various war expenses which a sheriff during the disturbance was authorized by writ to undertake are to be found among his allowances in his account on the Pipe Rolls for 50-52 Hen. III. The authorizing writs are enrolled in the Close, and the *contra-brevia* in the Liberate Rolls of the Chancery, especially nos. 41-43, which contain also the writs of *allocate* or allowance addressed to the barons of the Exchequer on the sheriffs' behalf. The (in 1266) rudimentary *facta summa*³ at the end of each sheriff's account in the Lord Treasurer's Remembrancer's Memoranda Roll records the sheriff's claim for such allotments, and from these, as well as from such writs of *allocate* as were issued, valuable information on the duties of the sheriff in war-time is forthcoming. An adequate administrative study of the period would involve the

¹ One may not, perhaps, fully agree with his verdict on its efficacy (p. xxxiii), which does not take into full account the bitter resistance offered after the fall of Kenilworth. 'The terms were very moderate and reasonable as respected them [the Disinherited]. And this *Dictum* may be regarded as at once the chief cause of the state of internal tranquillity which continued for so many years, and as having done much to fix and establish certain constitutional principles, which are in operation through the whole period of our history to the present moment.' With this might be compared Stubbs' wiser verdict that the terms 'were very hard', *C. H.*, 4th ed., ii, 105.

² My own limitations have made it necessary to omit any estimate of the effect of the war upon Exchequer administration.

³ For a description of the *facta summa* cf. Miss Mills's article 'Adventus Vicecomitum' in *E. H. R.* xxxviii, esp. 345-7.

examination of the great coherent series of Receipt, Issue, Memoranda, and Pipe Rolls, and the Exchequer sources used here have not been employed for that purpose.

The separate accounts of some regular commanders, e. g. of Roger de Leyburn as keeper of Rochester Castle, have been preserved in the Enrolled Accounts.¹ In Roger's case we possess the series of writs which the king addressed to him, in his capacity of chief commander against the rebels in the south-eastern districts, at different times from 1265 to 1267.² These are very useful for their information as to the disturbed state of the south-eastern parts.

(b) *Exchequer Inquests*. In some cases the sheriff was unable to present at the Exchequer written justification for the expenditure which he undertook; in others he was definitely hampered in the execution of his duties by gangs of rebels, and lost part of the *exitus comitatus* thereby. His claim for writs of *allocate* to cover this expenditure or for quittances of the sums lost owing to such interference had to be investigated by a jury of his county in the Exchequer Court of Pleas. Exchequer Plea Rolls 1 e, 1 f (for 1267-1269) contain a number of inquests into the circumstances of sheriffs in such a position, which afford interesting evidence on the subject of administrative dislocation in the counties; they cannot be regarded as complete and conclusive, but are nevertheless valuable for little flashes of information on the disturbance. The extent to which the king's government used the sheriffs to aid it in suppressing the rebellion is seen in the figures of the annual proffer of the sheriffs at the Exchequer, called in the Memoranda Rolls the *Adventus Vicecomitum*, the complete table of which for every county from 1254 to 1272 is given below.

§ 2. *The Special Eyre after the Rebellion.*

1267 was the last year of a rebellion which left England economically dislocated and socially miserable. The struggle

¹ His accounts are in 'Exchequer Accounts (Army, Navy, and Ordnance)', 3/6 to 3/9. His daily account (3/8) is particularly detailed and interesting.

² Now Miscellanea of the Exchequer, 1/41.

from 1263 to 1265 had been fierce, but not nearly so bitter and sordid as the protracted resistance which followed the Winchester Parliament of the autumn of 1265 and lasted till the Earl of Gloucester finally surrendered London in June 1267, after an eight weeks' siege. The latter period is one of almost complete chaos. The authority of the sheriff is openly defied; again and again royal officers send word that they cannot put into execution the king's writ '*propter turbationem in balliva sua*';¹ criminals refuse to allow themselves to be attached and in some cases public opinion is clearly on their side, while in others it appears completely indifferent. Financially, the situation was equally difficult. In 1266 the sheriffs of England, when they made their annual profer, brought to the Exchequer only £687 11s. as compared with the sums varying from three to five or six thousand pounds in pre-war days.² Not a penny was forthcoming from Norfolk, Suffolk, Northamptonshire, Nottinghamshire and Derbyshire, Oxfordshire and Berkshire, Shropshire and Staffordshire, Somerset and Dorset, Surrey and Sussex, Warwickshire and Leicestershire, and Worcester.³ The few manorial accounts for these years that have survived show a considerable falling off in the totals of the charge and discharge as compared with the totals for, say, 1256 and 1257.⁴ For evidence of social

¹ e.g. C. R. R. 177, m. 2, m. 10, m. 23, m. 26, m. 27, Essex cases for 1267 alone.

² Cf. Miss Mabel Mills's table, p. 249a, and the same writer in *E.H.R.* xxxvi. 494.

³ It has been argued below (Chap. IV, pp. 249-254) that a considerable proportion of the issues of the county received was spent forthwith by the sheriff on the defence of his bailiwick.

⁴ Bishop of Winchester's Pipe Rolls, Ecclesiastical Commission (Various), 24/159292 to 24/159300, are illuminating. The total receipts for Twyford in 1265 are £134 18s. as compared with the normal £450 before 1257. Waltham touches bottom in 1265: the Taunton group in 1265, but in 1266 it is only slightly better (£726 and £808 as against a normal £1020 approx.). Alresford is lowest in 1265 and 1266 (£80 8s. 8d. and £87 7s. 11d. as compared with a normal pre-war £120), Wargrave's lowest is in 1266 (£189 as compared with a pre-war £280 4s.). These are all consistently-paying and well-run concerns, where even a small drop means something. The accounts of Radstone (Northants.), Ministers' Accounts, 949/3, Holderness (Yorks.), *ibid.*, 1078/8, Hornead (Herts.), *ibid.*, 866/1, show a gradual recovery after 1268. In Isabella de Fortibus' Manor of Radstone, among the *expensa forinseca* occur such entries as

misery it is only necessary to turn to the Patent and Close Rolls for the period with their entries of instructions for dealing with roving bands of desperadoes, of protections and safe-conducts for loyal subjects and religious bodies, of special criminal inquisitions and of pardons for trespasses against the peace. For the chaos and anarchy the vindictive policy pursued after Evesham was primarily responsible. The Government at first not only permitted but actually appears to have encouraged the royalist barons to seize the lands and chattels of their opponents;¹ then after hesitation it decided at the Winchester Parliament to extend and seize into the king's hand all such lands throughout England, and *seisitores* were accordingly sent out to collect the necessary information from the counties and to confiscate the estates.² The king was under the immediate necessity of rewarding his followers, and the treasury was practically empty. The returns can scarcely have been all collected and digested when the king began to dole out the lands of his enemies to his supporters. The obvious result was to turn out of house and home large quantities of landholders who were tenants of moderate-sized fiefs within the honours of the great rebel *capitales domini*, disfranchised like their vassals, and in a society where wealth and well-being depended entirely on tenure the effect of such a measure needs no comment. Little wonder that the Council in October 1265 had to pass savage enactments against robbery and crime committed by this new fluid and vagrant population,³ and that centres of resistance quickly formed, which terrorized the surrounding country and committed depredations far and wide in sullen despair. To have restored to their rightful owners the lands

'in expensis cuiusdam ballivi in eundo apud London' ad perquirendum breve domini regis ad inquisitionem faciendam de malefactoribus nocitanter in bosco domine comitis per xviii dies vs.'

¹ A commission of 3 Nov. 1265 on the Patent Roll states that 'by consent of the magnates lately after the conflict of Evesham it was granted that to the first occupiers of the lands late of the favourers of S. de Monte Forti, earl of Leicester, the king's enemy, *the goods and chattels then found in such lands should remain*': *C.P.R.* 1258-1266, 493.

² *Cal. Inq. Misc.* i, no. 608, where a specimen writ on the subject to the sheriff of Buckingham is inserted from the Patent Roll of 49 Hen. III, m. 9.

³ Close, 49 Hen. III, m. 2 d., schedules attached to the roll.

occupied by the Montfortian party after Lewes and to have demanded severe fines from the rebel leaders in the form perhaps of a fine imposed on the great rebel tenants-in-chief, would have avoided the bewildering territorial chaos which followed confiscation and the throwing out upon the countryside of numbers of desperate men. But passion and short-sightedness prevailed. There is every reason to agree with the verdict of Thomas Wykes, himself no friend of the Montfortian party, that in the flush of victory the king and his friends by their reckless grants of land behaved in a ridiculous fashion, without regard to the future.¹

That a settlement in the divided and shaken land was finally reached was probably due less to rebel courage and obstinacy (which were considerable) than to the mediating influence of Cardinal Ottoboni and the sympathetic and impulsive action of the young Earl of Gloucester, Gilbert de Clare. The Cardinal came to strengthen the hands of a king who nearly fifty years before had owed no little of his success against Louis to the support of the Church;² with the weapons of suspension³ and excommunication⁴ in his hand

¹ pp. 183-4. 'Post inopinatam Eveshamiae triumphalem victoriam, rex et sui complices non sicut decuerat cautiore effecti, sed potius stultiores; sic evecti sunt in sublime, ut futura regni dispendia contemnerent praemetiri; nempe terras, possessiones, res et redditus singulorum qui in bello Eveshamiae captivati fuerunt vel occisi, sive qui comiti Leycestriae dum viverent favorem vel auxilium praestiterunt, (illis duntaxat exceptis qui prae timore, vel potius ambitione commodi temporalis, quasi poenitentia ducti, regi seu filio suo, spreta superstitiosa praesumptione prouisionum Oxonie, iterum adherere coeperunt) rex quibuscunque petentibus, non solum indigenis sed et alienigenis, sine personarum discretione concessit.' Exaggerated stories of these grants to aliens were going about the country at the beginning of 1266; *C. P. R. 1258-1266*, 655. There is no evidence that systematic provision for the wives of the disinherited barons was made till Feb. 1267, when the committee of Twelve administering the *Dictum* made arrangements that are embodied in the *Additio Dicti de Kenilworth*, *S. R. i.* 18.

² Letter of 7 May 1265 to Henry III in *Calendar of Papal Registers*, i. 426. The Papal Instructions to Ottoboni are in *Calendar of Papal Registers*, i. 431. On Ottoboni's legation, cf. Cardinal Gasquet, *Henry III and the Church*, ch. xxi, which surprisingly omits all reference to Ottoboni's part in the *Dictum de Kenilworth*. For Henry III's recognition of the help given him by Honorius III in 1217 cf. *Royal Letters*, i. 6: 'cuius auxilio de fletu in risum, de tenebris in lucem, ab arc[t]o cunabulorum in amplitudinem regnorum erecti sumus.'

³ Which he used against the Bishops of London, Winchester, and Chichester: *Flores Historiarum*, iii. 9.

⁴ Rishanger, *Chronica*, p. 47.

Ottoboni never forgot that he was the messenger of unity and mercy,¹ and, if all the detailed Provisions of the *Dictum de Kenilworth* are not his, the credit for its inception² and its interpretation³ must in great part belong to him. After the dubious and despairing letters which Ottoboni had sent to his master in the spring of 1266⁴ it was some achievement that at the end of a long and expensive siege a 'healing policy'⁵

¹ See his letters published by Miss Rose Graham in *E. H. R.* xv (1900), pp. 87-120; for his conception of his own mission, cf. pp. 88, 91 ('ille me... ad exquirendum reconciliacionem et salutem illius gentis et populi destinavit'); 101 ('Onus graue subleuare iacentes, consiliare discordes, reducere devios, alligare confractos quasi vasa figuli, et vnire conscissos per dissidia voluntatum'). For his recommendations to mercy, cf. the letter to Henry III, evidently during the siege of Kenilworth, p. 103; 'quia tamen post fidem rectam nichil magis elucet in principe quam in iusticia seruare clemenciam, serenitatem vestram in Domino requirimus et rogamus quatinus... misericordiam et clemenciam vestro conspectui proponentes, ipsos [the rebels] clementer admittatis ad veniam et misericordiam regie pietatis'; the letter to Clement IV, after the siege of Kenilworth had begun, p. 107: 'Quia in rebus tanta subuersione commotis ad reformationem ipsarum opus est clemencia, non rigore, sanctitate vestre olim pluries et quasi in omnibus litteris meis duxi humiliter supplicandum et adhuc, opportunitate consideracionis eius isto quatinus prefato regi et eius per vestra scripta sub ea quam elegeritis moderacione suadere dignemini, ut offensores suis more nobilium et legitime dominancium se misericordes exhibeant et clementes, ne forte in ultores scelerum iram suam conuertat Dominus propter misericordiam petentibus denegatam.' With this should be compared the tone of gentle remonstrance which he adopts towards the rebels; p. 104, letter xvi.

² *Ann. Winton.* p. 104. 'Item ad instantiam legati dominus rex submitit se et suos dicto quatuor [episcoporum, quatuor] comitum et quatuor baronum.' *Flores Historiarum*, iii. 11: 'rege favente, per providentiam cardinalis'; *Ann. Dunst.*, p. 242: 'dominus legatus et dominus rex... volebant ut forma aliqua provideretur, quomodo pax posset reformari.' Cf. Ottoboni's own account (written probably to Boniface of Savoy), *E. H. R.*, *ibid.*, 109: 'huiusquidem materiam exposcentes adquerende pacis, vestigia curauimus nostrarum cogitacionumque et operacionum molimina congregare, nichil quoque iuxta permissam nobis a Domino industriam omitentes, discriminibus variis corpus nostrum et spiritum nocturnis et diurnis afflictionibus committentes, ita vt questum pacis cum omnium laborum et meditacionum pondere nobis in delicias et requiem pensaremus.'

³ See the 'Explanacio dicti de Kenilworth' from MS. Cotton, Appendix xxv, in *S. R. i.* 18. That the committee of the 'twelve prelates or other magnates' was sitting during the latter part of November 1266 is seen from *C. P. R. 1266-1272*, 10, 11.

⁴ The remarkable letter written by Clement IV to Ottoboni, from Viterbo on 16 May 1266, alludes to the legate's intimation that his affairs were in a very bad plight, and pointed out that if he left the country, which he came to reform, his object would be altogether defeated, 'the king, queen, and his family delivered to death, and so noble a fief of the Roman Church lost without hope of recovery'; *Cal. Papal Registers*, i. 420; Potthast, *Regesta Pontificum Romanorum*, ii. 1586, no. 19642.

⁵ Stubbs's phrase: *C. H.*, 4th ed., ii. 101.

should have been resorted to in the autumn. The problem which he had to face was how to undo the mischief of 1265, to restore the pre-war territorial system, as the only possible condition of social peace and economic prosperity, and at the same time to keep in a good temper the loyalist grantees of the lands of the rebels. The solution was weighted on the side of the loyalist, as indeed it was bound to be; for many rebels had neither the money to redeem their lands as the *Dictum de Kenilworth* prescribed, or were too suspicious either to be received into the king's peace by commissioners sent into the counties for that purpose, or to undertake the journey to the king's court to get pardon and protection in person. At any rate the principle of re-purchase had been laid down; but the resources and the confidence were lacking. It is at this point that young Gilbert de Clare became once more—with the same decisive effect as when he quarrelled with Simon de Montfort before Evesham—the governing factor in the situation. At the end of 1266, if we may trust the Dunstable annalist, he had been anxious that the disinherited should have their lands restored and had sent solemn messengers to the king to that effect. The king refused to listen to the project and at Easter 1267 the earl began his rising to secure better terms for the ejected barons.¹ Wykes, more sceptical, alludes with some scorn to the earl's 'excuses' for his action; he made out, forsooth, that he was striving to sustain 'the cause of the community of the whole kingdom' in their effort to get the king to admit the disinherited to favour and peace, and to allow them back their lands on certain terms; he pretended that he was trying to bring Edward to observe, for the good of the kingdom, the oath which the prince made to him at Hereford 'as honourable and essential for the whole kingdom'; the terms of that oath for brevity's sake Wykes will not repeat.² Let us turn back to them: they are very significant, and there is no reason for us to distrust the Chronicler on the matter of their content. Gilbert de Clare left Simon de Montfort's cause, Wykes states, on a solemn oath made to him by Edward that if

¹ *Ann. Dunst.*, 245.

² *Chron. T. Wykes*, p. 200.

with his support Edward's side won 'the ancient good and approved laws' should be observed, evil customs abolished, the king induced to banish aliens from his council and his kingdom, while the castles should not be given up to their charge or to that of the professional administrator; and that the country should be governed by the council of his faithful subjects.¹ Now in view of the powerful and effective aid which the earl was able to give to the disinherited, and the fact that by the end of 1265 he had already got for himself all that an ambitious man could want in the way of land and prizes out of the rebellion, it is difficult to see what particular advantages from a purely selfish point of view he could gain from holding London in defiance of the king, unless indeed he was meditating a *coup d'état* and thought of establishing himself as an all-powerful mayor of the palace, or even as king. There was surely another motive. The study of the inquest returns in 1265 will, I think, help to suggest that Wykes's scepticism is not wholly justified and that Gilbert de Clare's support of the disinherited and indeed of the underlying principles of the reforming movement, although it was disturbed by personal animosities, was neither unreal nor wholly discontinuous. At any rate his powerful intervention brought pardon to all who could claim to be members of his extremely large retinue, safe-conduct and freedom from molestation to the Ely garrison and other intractables who came to make their submission to the king within a certain date, and, in all probability, an aid from the clergy for their ransom.² With the restoration of confidence a real settlement was in sight; for, by the end of 1267, England was sufficiently quieted for a special Eyre to be sent out which should go fully and carefully into the claims of both parties. Baldly stated, the terms of the *Dictum* may have been hard: but the English machinery of justice was never seen to better advantage than in the way in which they were carried out. Their

¹ Ibid., pp. 164-5.

² *C. P. R.* 1266-1272, 70-3. The aid, however, is stated to have been promised 'at the instance of the king and at the request of the legate'; though it is doubtful if it would have materialized but for the Earl of Gloucester.

equitable interpretation restored the prosperity of the country once more.

The clause of the *Dictum* to be interpreted and applied was the twelfth. The principle laid down was 'No disherison, but re-purchase'. This clause, as is well known, fixed (according to the nature of the offences committed) the scale for redemption by the disinherited of their lands which had been granted away to loyalists by the king. A fine of five years' value of the confiscated land had to be paid by all who fought against the king all through the war, who were against him at the principal centres of resistance and the principal battles, who 'freely and uncompelled sent their service against the king or his son, or who acting as bailiffs and officers of the Earl of Leicester robbed their neighbours and were guilty of arson and other crimes'. Men not actually in arms, but who used their influence in recruiting for the earl or in decrying the king's interest, were to pay two years' value; and all those who yielded to *force majeure* and threats of distraint and sent their service or came in person, but retired as soon as they got the opportunity, had to pay one year's value. The other more detailed and in some cases more complicated clauses it will be well for the moment to pass over; but on two other points the provisions of the *Dictum* would need application or correction; in the first place there would be refereeing to be done in the case where the disinherited rebel, after regaining his land upon agreeing to pay the *redemptio*, could not meet his liabilities. In this case the *Dictum* had provided that if the land had to be sold to meet expenses, the *redemptor* being so impoverished that he could not pay the full five years' value after he had made an agreement so to pay and was once more in seisin of his estate, the loyal subject who had held it by king's gift could then have the right of pre-emption provided he was willing to pay the market price (*si tantum velit dare quam quilibet communiter emens*). If again the land in question had to be farmed out so that the necessary money for re-purchase might be raised, again the loyal subject who held till recently by gift of the crown should have first claim on the lease, provided

he was willing to pay the price of the normal farm for it (*si tantum velit dare quam quilibet alius pro eo ad firmam valet*). In the second place, 'redemptions' had here and there been wrongly assigned, and innocent loyalists were faced with large payments or the alternative loss of their lands. This needs a brief explanation. The king, as will be seen in the course of this study, had given away lands in a wholesale fashion: but there were, at the time when Kenilworth gave in, still a number of followers unrewarded. To these the *Dictum* authorized him to assign (cl. 22) the 'redemptions' of lands not yet granted away, which, one may conjecture, either remained in the hands of their rebel holders or had been formally 'seized' by the *seisitores* of 1265 or by royal officers after that date.¹ It should be noted that these assignments of redemption-money must have had a useful effect in avoiding the local bother and fuss attendant upon the change of hands which would naturally follow the grant of a rebel's land to a loyal subject; for A (the rebel holder) is not dispossessed but simply pays B (the loyal subject) the five years' or so value which has been assigned to B by the king.² It was ridiculous to turn out of house and home the holder of a single, perhaps not very profitable, manor, in order to confer it on a loyalist who already held several and was in comfortable circumstances: the loyalist would probably much prefer to receive the redemption-money than the land, and would be quite content to receive it (as was always done) in instalments spread over a considerable number of months. The fact is that the original policy of granting away land

¹ In the Close and *coram rege* rolls the phrase 'X cui assignata fuit redemptio terrarum Y per dominum Regem' (or words to that effect) often occurs. Examples of such assignments can also be found in the Suffolk Assize Roll (821), especially m. 2, m. 2 d.

² The Chancery records of 1267, 1268, 1269 contain many records of the assignment of these redemptions. But even in the original state of things, when the land itself was granted by charter, we cannot be absolutely certain that in every case the new grantee entered upon occupation. He might enter immediately into an agreement with the rebel holder and a *concordia* be made so that no change of hands would occur. B, the loyalist, would merely quitclaim A, the rebel holder of the land on which he had the claim, in return for a considerable sum. The fine for the *licentia concordandi* would, of course, go to the king.

was a great mistake and was found to be such; whereas a policy of granting redemptions was much more effective and did not add to the problem of the disinherited.

It may be asked why an Eyre was necessary when clause 21 of the *Dictum* had provided that the king's court should act as a court to consider grievances arising out of the *Dictum*,¹ and clause 23 had stipulated that twelve umpires or arbiters should be chosen by the legate, the king, and Henry of Almain to supervise the carrying out of the award and its interpretation when disputed;² or when in February 1267 another and exclusively professional committee to hear 'the complaints of the disinherited' had been added and was presumably functioning in the summer of 1267. Three reasons might be suggested. In the first place it could be argued that the lack of record evidence for the activity of the latter body and the absence of re-purchase cases in the *coram rege* rolls for a full year and a half after the Council of Coventry which produced the *Dictum* may indicate that the disinherited did not resort in large numbers either to the Curia Regis or to the judicial committee. But by what proportion of the disinherited the *Dictum* was accepted before the summer of 1267 it is not easy to state with any

¹ It stipulated that a rebel who had left the country could return in safety ('habeat inducias transmarinas secundum legem et consuetudinem terre') to stand his trial there.

² For the terms of their appointment, see *C. P. R. 1258-1266*, 671-2. The names of the committee together with their rulings on certain debatable clauses are given in the so-called 'Act of Umpirage' which follows immediately after the *Dictum* in *S. R.* The modifications made in the regions of certain clauses by the committee's rulings are interesting: for example, it is clear that the apparently simple-looking words 'non fiat exheredacio sed redempcio' had to be explained: differing views of the subject on the part of those framing the *Dictum* are given in *S. R.*, I. 14 b, n. 1, as they occur in the most valuable text of the *Dictum*, that in MS. Cotton, Appendix XXV; the umpires finally decided that rebels who came within the categories in clause 12 (evidently the original clause 1 of the *Dictum*) were to have the chance of redeeming their lands before they forfeited them (i. e. if they could not pay). '*Illis consentimus*' they say, '*et concordamus qui dicunt non exheredacionem sed redempcionem esse prius faciendam.*' The 'prius' is important; the ruling means that there will be no disturbance of possession, the rebel will remain in seisin but pay his redemption-money to the assignee of his lands, if he can do so. If he cannot, then he must give them up. Other modifications in the direction of leniency were made in clauses 14, 15, 17, 25, 27, 29.

accuracy. The pardons granted on condition that the former rebel would 'stand to the award' recorded in the Patent Rolls furnish some indications. An analysis of admissions to the king's peace shows that the only rebels of great importance who submitted between the end of the siege of Kenilworth and the summer of 1267 were the Earl of Oxford, Baldwin Wake, Robert de Noers, Gerard de Furnival, William le Butiler, Richard de Tany the elder, and William de Monte Caniso (Mountchesney). Commissioners were, it is true, at work in certain counties receiving to the king's peace 'all who wished to come to it' provided they 'stood to the award';¹ their efforts brought in both individuals and parties, sometimes of as many as fifty-seven persons,² but the back of the opposition was not broken while men like Henry de Hastings, the Pecché brothers, and John d'Eyvill remained at large. Between February and the end of May 1267 there are fewer formal remissions of royal indignation or admissions to the king's peace, for the Chancery contented itself with sending out letters of simple protection, generally for one year, to the former rebel on the testimony or main-prize of loyalists, on the condition that if his lands were granted away he would stand to the award.³ It was a softer method than that of making the rebel journey in quest of the king or of commissioners and thereby expose himself to the attacks of over-zealous royalists or unscrupulous personal enemies. More enlightening, however, is a comparison between the number of *recogniciones in cancellaria* before and after June 1267. The number of important rebels who

¹ See e.g. *C.P.R. 1266-1272*, II-12, for the commission issued to William de Grey, sheriff of Lincoln, in Notts and Derby.

² *Ibid.*, pp. 16, 17, 22.

³ Some examples are: Robert de Oye, John de Huntingfeld and his esquires, and John de Merc of Brunsted, Essex, *ibid.*, p. 38; Walter le Gray, clerk, p. 39; William de Haningfeld (till Christmas), p. 39; Robert, son of Walter de Fordeham (till Michaelmas), p. 41; William Flurin of Breddeshal, Ralph Beaupeyn, Robert de Stiuecle (Huntingdon), Thomas de la Gulere of Boston, p. 43; Simon, son of Simon de Hugenden, and John de Scalariis of Bathbireham, &c., p. 43.

after that date formally recognized that they were bound in redemption of their lands to loyalist assignees is strikingly greater than the number of those who made such recognition before. Examination of the dorse of the Close Rolls for 1266-1269 makes this fact plain. The natural conclusion is that the process of redemption hung fire as far as the most important rebels were concerned during the winter of 1266-1267 and the following spring, until Gloucester's rising won the disinherited better terms, and that until that date the leaders of the rebel opposition did not have resort to the king's court in the numbers expected.¹ By the summer of 1267, therefore, the time had come to make a great effort to secure adhesion to the Award throughout the country. In the second place the need for reducing the larger offenders and the more important centres of revolt had naturally diverted the attention of the Government from the smaller tenants of the *patria* who had given assistance, voluntarily or compulsorily, to the baronial cause, and it was high time that the terms of the *Dictum* should be applied in their case—a quarter in which the Eyre would be (as it afterwards proved) very profitable to the Crown, since the redemption fines of smaller offenders were not invariably assigned to loyalists for whom the king had promised to provide when the next opportunity occurred, but were frequently taken by the Exchequer, as the marginal notes on the Assize Rolls indicate. It should be remembered that, in spite of the proclamation of forfeiture, the Crown had confiscated very few lands that it did not afterwards give away. True, the Exchequer had received a large number of rents from the surrendered *terrae rebellium* at Michaelmas 1265, but during October the grants were made and the only money which it was making now out of the more important offenders was in pardons and licences for concords. It may well have determined to extract something at least out of the large number of small offenders throughout the country.

¹ On the other hand there may have been a number of private transactions between rebels standing to the *Dictum* and loyalists, which have not survived, or are buried in private collections.

Thirdly, it is clear that the original extents and returns made by the *seisitores terrarum fautorum Symonis de Monte forti*, referred to above, were in places neither accurate nor adequate in 1267. In some cases the extents seem to have been definitely wrong; the *Calumpnia extente manerii de Esseby* in the Northamptonshire Assize Roll¹ is a good example of local jurors disputing in 1268 what was apparently the earlier valuation of 1265. In others, persons had been returned as rebels who had never intervened in the rebellion against the king,² yet who were in all probability still being deforced of their estates. We shall return to this point very shortly.

The justices who were to hear cases under the *Dictum* went out in three groups: William of St. Omer,³ John Lovel, and Simon de Creye into the south-eastern counties and East Anglia; Robert de Nevill, Robert de Sumery, and John le Bretun into the midlands; and Eustace de Balliol, Adam de Gesemuth, and Richard de Middleton into the north. It

¹ A. R. 618, m. 14, printed in Hunter, p. 185. The extent of the manor of Ashby Mears is not given in C. Inq. Misc. 29 (24), but there is good reason to suppose that in 1265 it had been extended at a much higher rate than its real value.

² The lands of James le Sauvage were granted away to John Lovel in the autumn of 1265 (Exch. Misc. 1/41, m. 1); yet in August he had been one of the royal inquisitors in Buckinghamshire and Bedfordshire (*Cal. Inq. Misc.* i. 608, 614, 634), and the jury of the hundred of Cleyley in Northampton said that they did not know why his manor at Alderton had been seized into the hand of Sir Edward! *ibid.*, 834. He proved his innocence in November 1265 before the king and council: Supplementary Close Roll 3, m. 2 d. The jurors of 1268 frequently stated that lands in their hundreds had been wrongfully seized.

³ William of St. Omer, a prominent justice and a holder of lands in Norfolk, is best known for his work on the Great Inquest of 1274 (*R. H.* i. 265, 267, &c.). During 1264 and 1265 he adhered to the king, and in 1266 was made co-guardian with John de Vallibus of the East Anglian coast against pirates from the Cinque Ports (*C. P. R.* 1258-1266, 547), after he had handed over the Castle of Norwich to Nicholas Spigurnel (*ibid.*, 540). He was one of the negotiators on the king's side at Kenilworth, and for his services received four hundreds in Norfolk and Suffolk (*C. P. R.* 1266-1272, 7), and in 1267 fifty marks out of the fine paid by Norwich for its part in the rebellion (Close, 51 Hen. III, m. 4). Before or during his Eyre of 1268-1270 in East Anglia he seems to have been granted an annuity of £40 a year (Close, 53 Hen. III, m. 13). He was made keeper of the island of Ely in 1271 (*C. P. R.* 1266-1272, 504). He had lands in Hampshire and Wiltshire, as well as in Norfolk (*C. R. R.* 177, m. 22 d.).

is to be noted that they were all members of the Commission appointed in February. They received their commission on 17 September 1267, 'to do and complete the inquisitions, extents, and all other things contained in the said award, to wit in the counties named'.¹ On 23 September they received a further commission to inquire, in the above counties, 'in pursuance of an ordinance made in the Parliament of Winchester in 1265 that seisin should be restored to the king of all lands seized by any one by occasion of the disturbance had in the realm whereby sheriffs and other bailiffs took such lands into the king's hands, received the issues and are bound to answer for the same at the Exchequer, who it was that took them into the king's hands, received the issues and ought to answer for the same'.² This commission is an interesting comment on the administrative confusion that reigned for two years after Evesham. The justices on the midland circuit were shortly joined by Nicholas de Yatingden or Yattendon,³ who is spoken of on 18 December as justice appointed to hear and determine pleas *de terris datis* in the county of Northampton.⁴ His surviving rolls consist of pleas heard in that county, and

¹ *C. P. R.* 1266-1272, 160.

² *Ibid.*, 113.

³ *Ibid.*, 276. On Dec. 7, 1267 John le Bretun was made a justice in Eyre for common pleas (*ibid.*, 172), and in March 1268 Roger de Somery left the party to hear the case between Llewellyn ap Griffin and Gilbert de Clare in the March (*ibid.*, 205). Nicholas of Yattendon (Berks.), who married Henry of Bath's widow (Foss, ii, 525), is described in 1252 as a *valettus* of Edward (*C. P. R.* 1247-1258, 134), and went with him to Gascony (*ibid.*, 412). He was with the king in Gascony in 1254 (*ibid.*, 338), and on the king's service in Wales in 1257 (*ibid.*, 596). In 1264 he tried to avert the threatened migration of Oxford University to Northampton by persuading the king to pardon a certain scholar for the death of a townsman. The University had decided to withdraw if the scholar was to be punished with death (*C. P. R.* 1258-1266, 309). After the war Nicholas was given an annuity of £20 for faithful service (*ibid.*, 583), and in 1268 'the ransom of £100 yearly' of lands belonging to John of Bath, a former rebel, when it fell due (*C. P. R.* 1266-1272, 251). In 1267 he was made a keeper of the peace in the counties of Oxford and Berks. (*ibid.*, 131). In 1269 he received as a reward for his services the manors of Cookham, Bray, and Kempton with 'the seven hundreds and a half and the forest of Windsor at farm and the custody of Windsor Castle' (*ibid.*, 316). He held land in Lambourn (A. R. 42, m. 2 d.), in Plaistow (Kent), and in Sussex (A. R. 1207, m. 3) and Norfolk (*Cal. Ing.* i, no. 57). He died in Oct. 1272.

⁴ *Ibid.*, 275.

in Buckinghamshire and Berkshire. The Eastern Circuit was led¹ by William de St. Omer, and his surviving records are rolls for Kent, Surrey, and Sussex (in one), Essex, Suffolk, Cambridgeshire, and a single membrane of *terrae datae et occupatae* in Norfolk. We have a most entertaining picture of him staying an intolerably long time at Barnwell Priory and provoking its annalist to a characteristic passage:

After peace had been granted, the Priory (of Barnwell) was especially badly treated by Sir William de St. Omer who was the king's justice for inquiring about the islanders (the rebels in Ely). He occupied the house of the Priory for a whole year with a great retinue, and with him, into the bargain, was his wife who at times had as many as twenty-two ladies in her company. And although the Prior went to great expense and suffered heavy financial loss because of the sojourn of William and his party there, the Justiciar, without any gratitude to the Prior for what he had done, at the end of the Eyre amerced the Prior 40 shillings and refused formally to notify the Prior that he had done so. And when the Prior got to know of this in secret through a friend of his he appeared before William and asked to be granted the common law, adding that an inquisition held in his absence ought not to be to his detriment. He asked therefore that the inquisition should be held in his presence so that he might remove his enemies from off it. Which thing was done. The Prior objected only to one [of the jurors] on the inquisition and the rest acquitted the Prior. And so the Prior departed quit, though the Justiciar bore him no goodwill.²

The complaint need not be taken too seriously, for the Lady de St. Omer and her train were doubtless responsible for the acrimonious exaggeration of a small matter, and the medieval justice may be excused a determination to have good judges' lodgings. The particular point of interest in the account is the way in which William de St. Omer settled down to the inquiry. His records show that it was to be nothing if not methodical, and, for that, time was needed.

¹ I have used the term 'led' in the sense that St. Omer and Yatingdon are always named first on the roll, the other justices being referred to usually as 'their colleagues'.

² *Liber Memorandorum Ecclesie de Bernewelle*, ed. J. W. Clark, p. 124.

Fifteen chapters of this special Eyre have survived in their French form.¹ They throw interesting light on the character of the rebellion and the king's measures after Evesham. The group of questions about lands granted or occupied is composed of the following interrogatories:

1. What lands of rebels have been granted away by the king throughout England, and who holds them now?²
2. What persons are reported by public opinion to have been rebellious? From whom did they originally hold their lands and who holds them now?
3. What lands have been seized during the disturbance by force and have not been surrendered to the king?
4. Who were against him either by word or deed in the strife (*barat*), and whether their lands had been granted away or not by the king?
5. What agreements have been arrived at between grantees by Crown gift and the former rebel holders; and what grantees have restored their lands to the rebels without permission from the Council?³
6. What royal demesne lands have been granted away, to whom and on what grounds?⁴
7. Who have successfully asked the king for the lands of subjects who took no part in the rebellion?

The questions tell their own story. Surely, it will be urged, the Chancery had some record of grants made. What

¹ *Liber de Ant. Leg.*, p. 96. No Latin version is recorded on the Close Roll.

² 'Porco ke li Reis dengleterre ad done les terres de plusurs gens, ke unt terres en diverses Countees et en diverses Hundres, pour ce vout il, ke lem enquerge ki sunt feiffié par lie, en quel hundred, des terres de cels.'

³ 'Lem enquerra quels des feffees unt fet pais a lur adversaires e unt pris de lur deners; a lur unt lur terres renduz sanz le conseil le Rei.' *Lur deners* = re-purchase-money; *le conseil le Rei* seems from below, p. 220, to refer to the Council, not simply to royal permission.

⁴ Note the form of the question 'si nules terres du demeine le Roi; si nuls eit demande du Roi les terres de akun'... obviously suspecting an affirmative answer.

of the document known as the *terrae rebellium*? But the tale of Richard de Tany at the end of this chapter will throw light on the conditions under which the Chancery had to work, and comment is best deferred till we investigate that extraordinary case. No. 3 is a very typical question after a rebellion. No. 5 will receive illustration shortly. No. 7 shows that the innocent suffered with the guilty: the *Brus v. Tany* case will again throw light on the unscrupulousness of certain litigants.

The second group concerns trespass:—

8. What churchmen, of whatever rank and degree, aided and abetted in any way the Earl of Leicester?
9. Who aided the Earl with money or sent their servants to help him of their own free will and under no distraint (*sanz fere lur destresce*)?
10. Who have been the principal robbers and their associates: what was the nature of the damage done?
11. Who carried out robberies, arson, or murder, on loyal subjects?
12. What outlaws have returned and joined the disinherited?
13. What neutrals (*ke ne se tindrent od lune partie ne od lautre*) have suffered, and at whose hands?
14. What churches have been robbed during the disturbance?
15. Who of their own free will have been bailiffs or servants of the Earl of Leicester?

The phrase translated 'of their own free will' is *par lur aindegre* or *de lur aindegre*, emphasized by the Government because on it would turn the amount of redemption to be paid by delinquents, important for us because it puts to the jury the very point on which we need information for our social survey. The most interesting question here is clearly no. 8. The care and exhaustiveness with which the ranks of

clergy are specified¹ show that the Government strongly suspected the part which they played in the rising. Their suspicions were undoubtedly justified, as the Plea Rolls will bear out.

So much business had to be got through that no other type of case could be admitted. Common pleas the justices utterly refused to touch—‘*discussio communium placitorum non pertinet ad iusticiarios huiusmodi*’ remarks Nicholas of Yattendon.² ‘*Iusticiarii de terris datis hic nolunt procedere super discussione veri heredis*’ occurs in another context.³ Following their instructions they confined themselves to three kinds of cases: (1) Cases arising out of the application of the *Dictum* where petitioner asks to be allowed to redeem his land. (2) Special inquests of two kinds: (*a*) was *A* a rebel as *B* asserts, or was it the other way about?—a question of great importance where seisin is involved; (*b*) who pillaged *X*’s manors and estates, and what was the damage done? (3) Presentments (*a*) of those who seized lands of rebels after Evesham, (*b*) of offences committed during and by reason of the disturbance of late in the kingdom, ‘*occasione turbationis nuper habite in regno*’.

One preliminary point about the composition of the Court. Two sorts of juries come into action: the hundred jury or *magna duodena militum* headed by the bailiff of the hundred, and the local jury of the *villata* or township which in the case of the presentations is required to give its *veredictum* on the people whom it has presented to the *magna duodena* for misconduct. *Magna duodena*—the hundred jury—when cases of transgressions are being heard may act in three ways.

¹ ‘Lem enquera ausibien des Erceveskes, Eveskes, de tutes gens de religion de quel ordre ke il seient, cum de persones et prestres e de clers e de tute autre manere de genz, ki ce sunt, ki apertement procurerent de busunies de Cunte de Leicestre, et de cels ke tindrent od lui en atreant le gent par menconges e par faucetes, par priser la partie le Counte, et blamer la partie le Rei et sun fiz.’

² A. R. 618, m. 21 d.

³ Ibid., m. 4 d. Cf. m. 17 d. (where the question is, who is the *capitalis dominus* of a fief?), A. R. 1207, m. 2 d., where a litigant is told that he must sue his opponents ‘per breve domini Regis coram Iusticiariis ad placita illa assignatis cum in partes illas venerint vel coram Iusticiariis de Banco vel coram Rege si voluerit’.

First, it may present a man well known in the county and give its *veredictum* on him, the defendant, if he appears, possessing the right of excepting to its members.¹ Secondly, in the case of a crime committed outside the hundred, it may afforce itself with the jury of the hundred or of the township in which the crime took place.² Thirdly and normally, it presents offenders whom the townships, represented by the reeve and four men, have brought before it. Thus, as Maitland remarks, the *fama publica* is twice distilled,³ and the rolls before us well illustrate the saying. There is, however, one case where the distillation does not take place. The hundred jury of Fawsley, co. Northampton, presents a man for preaching against the king's interest in different parts of the county. Juries are accordingly summoned from three other hundreds, Cleyley, Wimersley, and Spelho, where he had been speaking, to give their verdict on his activities in those areas; but the three hundreds entirely disagree with the hundred of Fawsley. The justices therefore adjourn the case, 'because they do not want to set at nought the jury of Fawsley', and place it in adjournment until parliament—*usque ad parliamentum*.⁴

The usual form taken by a case where the Award of Kenilworth is to be applied is as follows: *A* offers to 'stand right according to the Award' against *B*, to whom the king has given *A*'s land 'by reason of the wrong-doing with which he is charged', and to redeem that land if it is judged right that he should. In many cases *A* offers to prove his innocence of the crimes with which he had been taxed, and in any case he tries to show that he has never been against the king at all. *A* having made his statement, *B* comes forward and makes out as strong a case as he can against *A*—that *A* was at Northampton in arms against the king or tried to recruit men for de Montfort or was at the siege of Rochester—or some similar charge. *A* denies, or admits part of the accusation and pleads extenuating circumstances, which he

¹ A. R. 59, m. 9 (Bucks.), where Eustace de Greynvil is presented.

² A. R. 59, m. 7: 'Magna Duodena cum hundredo de Bonestou et Melesho dicit . . .'

³ *P. and M.* ii. 643.

⁴ A. R. 618, m. 17 d.

proceeds to detail; showing, for instance, that he was pressed into the earl's service, that he went to Northampton for his health and then William le Marshal got hold of him and made him defend the town; but that when the king entered the place he was found unarmed in the Church of the Dominican friars, &c. To prove this he generally asks for a jury, and *B* does the same in support of his counter-assertion. The jurors give their *veredictum*, and on its basis the *redemptio* is fixed. It is very seldom that the juries do not take into account extenuating circumstances; frequently we find them adding what they know in his favour, for five years' rental is a heavy sum to pay. Here is a typical example taken from a criminal presentment in the Votesdon hundred in Buckinghamshire. 'Ralph de Verney appeared under attachment and the justices charge him with robbing the lord king at Piddington of oxen, cows, and other things unjustly against the peace. The said Ralph denies having been there at all and asks for inquiry to be made. Twelve jurors of the hundred of Votesdon say that Richard de la Vache came to Ralph's house and took him unarmed (*nudum*) and brought him by force to do the said robbery, and that Ralph when he saw his opportunity for escaping did so and left them nor did anything more nor took aught unto himself.¹ And so judgement was given that Ralph, because he was at the robbery, should redeem his land under the Award at one year. The land is extended at twenty-six shillings.'² The jurors could easily have said 'He is guilty—he was at the robbery,' but their rider saved the defendant from being classed as a *principalis praedo* and having to pay a five years' rental.

In many cases *A*, the plaintiff, is able to prove his innocence against *B*, the present holder, by crown gift of *A*'s lands. That there should be a number of such instances is surely a reflection on the way in which such lands were confiscated and doled out after Evesham. What happens in such cases is this: the plaintiff *A* gets back seisin of his land from the

¹ A. R. 618 (Northampton), m. 4, cf. m. 2, 2 d.

² A. R. 59 (Bucks.), m. 16.

tenant *B*, and *B*, in compensation, receives part of the rent for one or two years, or a lump sum, part of which is paid on the spot and the rest by instalments at the great festivals according to the usual method.¹ But there are other cases where the tenant *B*, to whom *A*'s land has been given, is actually put in mercy. These may be either when *B* both defaults and loses his case (for the justices go on with the case even if *B* is not present) or when he appears but makes a false statement about *A*'s war record.² In the latter of these alternatives it seems likely that the justices took into account the method by which he originally got hold of the lands of the innocent plaintiff; perhaps by misrepresenting the unfortunate *A* to the *seisitores* (the commissioners of 1265) as a rebel. At any rate the justices insist that this state of things shall not continue, yet the frequency of its occurrence is a point of some interest.

When the plaintiff is proved by verdict of the jury to have committed some offence against the king's party, then judgement is given for the rental to be paid *secundum quantitatem delicti* and the land for which he is suing is extended accordingly. But there are other cases where a fine between the parties cuts proceedings short. Two big landowners, the one possessed, the other dispossessed, come to an agreement about the recompense to be paid by the dispossessed Montfortian to the loyalist who has got his lands by gift of the crown. At the beginning of the roll for Northamptonshire occurs a case of this kind. John de Vallibus has received from the king in reward for his services the manor of Beningfield which belonged to the Montfortian Humphrey de Bassingbourn. Humphrey has stood by the Award and—apparently without bothering about an inquest (for everybody knows what part Humphrey played in the war)—they have reached an agreement which is briefly this: that John de Vallibus restores to Humphrey the manor of Beningfield *ut ius et hereditas ipsius Humfridi*, 'in return for which payment and quitclaim the said Humphrey in the presence of the said

¹ A. R. 618, m. 4 d.

² Ibid., m. 12.

justices and other faithful subjects of the king there present recognized that he was bound to the said lord John de Vallibus and his heirs in three hundred marks sterling, good and lawful money, to be paid to the said John or his representative bearing his letters patent in the conventual church of Barnewell' on certain dates which are given. In payment of this three hundred marks Humphrey made over to John twenty librates of land in his manor of Claphorn, conceding that if the money was not forthcoming within a certain period the whole of the manor was to go to John and his heirs.¹ This case, which does not mention an inquisition of any kind, points to an ordinary agreement ratified and confirmed in court by the justices. There is, on the other hand, another case where the agreement takes place after the verdict—that of Richard Basset *v.* Hamo L'Estrange. Here no judgement is pronounced, but an agreement reached and ratified in court.²

It should be remarked in parenthesis that many of these transactions in which the principal men of the counties were concerned were carried on in the Chancery and did not come into the county court. Men like Simon de Pateshull,³ John de Grey,⁴ William Mountchesney,⁵ appear in the Chancery and 'recognize' that they are bound to the loyalist assignee of their lands in a certain sum to be paid in instalments. Probably the larger rebels never fought out their cases at all.

¹ A. R. 618, m. 1.

² Ibid., m. 4 d. Richard Basset is stated to have been in Northampton, but to have gone there for fear of robbers who were roaming the countryside. The *concordia* is interesting. 'Postea predicti Ricardus et Hamo concordati sunt sub hac forma, videlicet quod dictus Ricardus cognovit se debere dicto Hamoni CCC marcas eidem vel suo certo attornato solvendas etc. . . . Et [si] dictus Ricardus etc. in parte vel in toto defecerit etc. concessit pro se etc. quod dictus Hamo etc. habeant et teneant in feodo etc. xxv. nativos cum xxiiij. virgatis terre et dimidia in Weston et Sutton et eorum catallis etc. Et xxij sol. annui redditus liberorum tenentium de Sutton reddendo annuatim dicto Ricardo etc. 1*d.* ad Nathale etc.' The villeins with their land are the security offered by Richard.

³ Close, 52 Hen. III, m. 9 d.

⁴ Ibid., m. 8 d. This is the son of Richard de Grey.

⁵ Ibid., m. 11 d.: 'Willelmus de Monte Caniso recognovit in cancellaria Regis se debere Willelmo de Valentia mm. marcas solvendas eidem Willelmo.'

Every one knew what part men like John d'Eyvill, William Marmiun, Giles de Argentein, or Peter de Montfort had played in the rebellion: they simply submitted, 'stood to' the *Dictum* and made a formal recognizance, recorded on the Close Roll, that they would pay, adding that, if they did not, the land and tenements assigned should pass for ever to the other party. Recognizances, fines, and quitclaims arising out of the *Dictum*, found in considerable numbers in the Chancery records after June 1267,¹ show that prominent rebels quietly submitted and had their submissions ratified before the Chancellor and his staff: when the rebel was a very important man indeed his agreement to pay redemption-money might be made before the king.² In the case of the severely chastened Earl of Derby the *cartae obligatoriae* binding him to pay a redemption fee of £50,000 to Edmund the king's son, and never, on the direst pains, to rebel again, were made out at Wallingford, brought up to London by Robert Walerand, and solemnly delivered to the two Keepers of the Wardrobe in the presence of the Chancellor, John de Chishull and other prominent officials standing by.³

Now if the justices permitted these *concordiae* to be made and the long business of the inquest and the subsequent extending of the land in question to be dispensed with (as our records in places suggest)⁴ they did wisely. The amount paid in compensation could in an agreement be adjusted to a man's capacity to pay, and common sense and leniency would play their part in that adjustment. By 1268, and certainly by 1269, the country must have been tired of change and disturbance; what was wanted was a liberal and generous settlement, which while penalizing the rebels for their mis-

¹ Close, 52 Hen. III, m. 11 d., 10 d., 9 d., 8 d., &c. Ibid., 53 Hen. III, 11 d., &c.

² Cf. *C. P. R.* 1266-1272, 290, 291; settlement between Roger de Clifford and Roger de Leyburn ratified before the king.

³ Close, 53 Hen. III, m. 7 d. It is interesting to compare this entry with the statement made by Robert de Ferrers five years later when claiming against Edmund of Lancaster the right to recover his possessions by the form of the *Dictum*. See § 3 and Appendix XI.

⁴ The large number of Fines in East Anglia during the years 1268, 1269 is significant. Cf. W. Rye, *A Calendar of the Feet of Fines for Suffolk* (Suffolk Institute of Archaeology).

deeds would at least restore estates to owners who would look after them properly and put an end to uncertainty of tenure. The twelfth clause of the *Dictum* may have appeared hard at first sight, but the *concordia* helped to tone down its apparent harshness.

The second group of cases comprises inquests taken to determine the loyalty of such and such a person during the war and inquests upon the damage done by rebels to loyal subjects. The former are introduced in the rolls by a royal writ to the justices bidding them find out whether, for instance, *X* adhered to Simon de Montfort of his own will or whether he was forced to do so by constraint. The fact is important because the king needs to know if *X* ought to redeem his lands or simply receive them back gratis. Taking again the Northamptonshire roll, we find the king commanding Nicholas of Yattendon to ascertain by a Northamptonshire jury whether a certain Master Henry Sampson, whose lands had been occupied first by a Montfortian and later by a loyalist, was clerk of Simon de Montfort and procured and worked willingly for the earl against the king, or if Henry was forced into the earl's service and left it as soon as he could without hurting the king's loyal subjects.¹ In this case we merely have the writ setting the inquest in motion. Further on in the roll² are cases when the jury gives its verdict and it becomes clear whether the case should be heard under the Award (*in forma dicti*) or not. Obviously in such cases, if the plaintiff can prove that he took no part against the king during the rebellion, it is no use trying him for the purpose of finding out how much redemption he ought to pay.

A much larger class of inquests taken before the justices

¹ A. R. 618, m. 11 d.: 'Cumque idem Henricus super premissis pluries se optulerit stare dicto de Kenilworth cuius executionem in ipsius preiudicium nolumus ulterius prorogari vobis mandamus quod vocatis dictis partibus coram vobis per sacramentum predictorum Nicholai lordani et aliorum supradictorum si ipsi commode nequeunt interesse, diligentem faciatis inquisitionem de premissis et transgressionibus per quoscunque inde factis tempore turbationis predictae et eisdem partibus inde fieri faciatis quod secundum formam dicti predicti et officii vestri debitum fuerit faciendum.'

² A. R. 618, m. 17; cf. m. 13 d.

is that which deals with the property of loyalists pillaged during the disturbance by Earl Simon's supporters. For social history during this troubled period these inquests are of great value, since they show what vicissitudes of treatment such properties underwent, and thus help to form a little chapter in the story of economic dislocation. The best example is the inquest ordered to be taken into the treatment accorded to the Essex estates of John Mansel, the wealthy and powerful Treasurer of York and Provost of Beverley, who was also Constable of the Tower of London and Chief Justice of the Jews.¹ Mansel had died soon after the battle of Lewes, and both before and after his death his goods and chattels had been thoroughly ransacked. The inquest had, as its object, to ascertain the nature and value of the damage, so that compensation might be paid to his executors who were, one imagines, heavily out of pocket.² Juries from five hundreds testify to the depredations committed. Let us take the first hundred on the list, that of Hengford.

The Inquisition made by the jury of Hengford states on oath that some unknown men together with William son of Gilbert of Little Bardfield who was chief of the men that professed to be with Ralph Perot³ came to Hertford and then took four horses, two oxen, twelve cows and one bull, and seven pigs in the autumn.

Then came Humphrey de Bohun the younger to the said manor and reaped and carried off the corn of that manor to Waltham. Then, besides, James Poitevin who was said to be in the company of John de Chamville came with others un-

¹ *C. P. R.* 1266-1272, 155, 166.

² *A. R.* 237 (Essex), m. 2: 'Rex mandavit Iusticiariis quod per sacramentum proborum et legalium hominum de comitatu isto per quos etc. diligenter faciant inquisitionem de transgressionibus factis Iohanni Maunsel et etiam bonis et catallis sibi et executoribus suis ante et post mortem eiusdem Iohannis occasione dicte turbacionis etc. in comitatu isto per quosdam malefactores tempore turbacionis predicte ablati. Et eiusdem executoribus de transgressionibus illis rationabiles emendas et de bonis et catallis dicto Iohanni et ipsis sic ablati debitam restitutionem secundum formam dicti de Kenilworth et officium debitum fieri faciant.'

³ Ralph Perot was one of the chief defenders of Ely and a terror in the Eastern counties; *Cal. Inq. Misc.* i, 1024, 732. Tenant-in-chief in the County of Essex, *Book of Fees*, i. 447.

known to the manor of lord John Mansel at Salford and took three horses and two oxen. Afterwards came Richard le Ostricer to the church of the said town and took all John's goods there and spent and wasted them for two years. Afterwards came Richard de Burre of Ranwell who was said to be with Simon de Montfort the younger at Sawmere and took the corn and made off with it. And they know nothing further.

Each hundred has the same or a rather worse tale. Very similar, but not quite so outrageous, are the robberies on John le Moyne's estates in Surrey.¹ St. Omer is directed to discover the nature and extent of the damage and to assess the amends. In the hundred of Wallington it is the conduct of one of John's bailiffs which has brought down on him the wrath of young Simon de Montfort. In Southwark he was robbed of his jewels to the tune of two hundred marks. Walter de Merton, the Chancellor, suffers losses in his manors in the Surrey hundreds of Kingston and Tandridge, which undergo several occupations by successive bands of rebels. This is again the subject of inquisition.²

Now there was an urgent reason why inquests of this kind were ordered, and the names of the insurgents, the damage they did, and the compensation to be paid determined. It appears in an entry in the Patent Roll in 1270,³ where the king prohibits 'all persons' from suing the townspeople of Lynn (Norfolk) anywhere else except before his justices on this special Eyre. He has assigned these justices 'to inquire concerning trespasses in the time of the disturbance and to do swift justice therein to complainants according to the form of the Award of Kenilworth', and yet the townspeople of Lynn who had remained loyal all through the rebellion, even through the Ely period, 'have been impleaded in divers courts as well of the king as of local lords other than before the said justices of oyer and terminer by certain of

¹ A. R. 1207 (Surrey, Kent, Sussex), m. 4. John le Moyne had been sheriff of Cambridgeshire in 1253 (*P. R. O. Lists and Indexes*, no. ix). His servants were evidently not popular; in May 1263 two justices were appointed to find out who assaulted and beat his retainers in Shelford; *C. P. R. 1258-1266*, 287.

² A. R. 1207, m. 5 d.

³ *C. P. R. 1266-1272*, 458.

their ill-wishers and have been appealed by some.' This, besides being a comment on the state of feeling against loyal subjects in East Anglia, shows that in a time of disturbance the manorial or the honour court might prove an awkward competitor to the royal jurisdiction. This Eyre, therefore, is a step in the direction of making the king's justice the prime justice of the land by debarring private courts from hearing and determining (*oyant et terminant*) cases where possession as well as crime were involved.

The last group of cases is the largest of all. It consists of presentments made by the hundreds (*a*) of lands seized directly after Evesham, by whom they were seized, and how much rent was collected; (*b*) of crimes committed during the rebellion. They are the replies to the chapters which we analysed above, as is shown by a mention of the '*articuli*' which certain townships in Suffolk refused to answer.¹

The presentations of *terrae occupatae* are not so numerous in the Midlands* as they are in Essex, Suffolk, and Norfolk. It is in these latter counties that immediate confiscation of the lands of rebels by big magnates seems to have been most widespread. The information given in the Assize Rolls needs, of course, to be supplemented by the returns of the *seisitores* in 1265; but had the *seisitores* done their work really adequately in 1265 and actually taken all lands of rebels into the king's hands instead of weakly permitting powerful magnates to confiscate them and seize the rents, there would not have been much need for an inquiry into their occupants or history since Evesham.² For an example of this we may take the manor of Norton in the Dengie hundred of Essex.³ This is what the jurors say: 'The Earl of Gloucester shortly after Evesham seized the manor of

¹ A. R. 83, m. 6: 'De defaltis dicunt quod villata de Pesehale (Peasehall) noluit venire ad respondendum super articulis coram xii iuratoribus.'

² Often before the *seisitores* arrived three great men had had their finger in the pie, and it was not at all easy for the *seisitor* to turn any of them out. Cf. *C. Ing. Misc.* i, no. 662. Hundred of Dengie (Essex).

³ A. R. 237, m. 6 d.

Norton which belonged to John de Ba and took at the following Michaelmas in rents 8s. by the hand of Robert de Leukenore and held that manor for a year and a half. And at Easter he took 8s., and at the ensuing Michaelmas 8s., and from aids 10s., and there are there thirty acres of land each acre worth 3s., and the said Earl had that land sown and took corn thereof to the value of £4 10s. and made 10s. from the hay and 40s. from the pasture rights. And the customs there are worth 15s. a year, half-yearly 7s. 6d., which the Earl took *and afterwards gave back the manor to the aforesaid John.* 'Therefore', continues the entry, 'the sheriff has been bidden to take that land and guard it safely and be responsible for the charges thereof. And to give notice to John that he be before the Justices at Ipswich on Sunday before mid-Lent to show warrant why he thus entered upon that land when all lands so seized had been restored to the king' (the return of such lands was ordained by the Winchester Parliament of 1265). Now two points are noteworthy here. First, the Earl of Gloucester held the manor for a year and a half. No commissioners could move him; and when it is observed that this was his conduct over a considerable extent of Eastern England (one has only to look at the Inquisitions of 1265 to see how many manors he seized) is it likely that even the king himself, distracted as he was by the defence of Kenilworth, Axholm, and Ely, would make any attempt to move him? The king certainly did not. Secondly, the earl gave back the manor to its Montfortian holder *without any redemption.* These two points are quite typical of the manorial changes in the county of Essex from 1265 to 1267. The settlement proceeds in perfectly haphazard fashion. Let the hundred of Chelmsford illustrate it.¹

1. Robert de Montenev shortly after Evesham seized all the lands of William de Mountchesney in Hanfield and took Michaelmas rents (figures given). Afterwards the king gave the land to William de Valence.²

2. Nicholas Spigurnel, then sheriff of Essex, 'received at the first Michaelmas after the battle of Evesham out of the

¹ A. R. 237, m. 5.

² This seems an orthodox case.

rents of Robert de Tateshale's¹ land in Little Waltham seven shillings on the king's behalf by the hand of William son of Benedict and William son of Andrew. Therefore the sheriff was ordered to summon Edmund son of Nicholas to make answer into whose hand that sum came.'²

3. The Earl of Gloucester shortly after Evesham seized the lands of the Earl of Oxford in Fingreth and Queen's Ginge and took in rents at the Michaelmas following upon Evesham twenty-five shillings from Fingreth and ten shillings from Ginge. 'Therefore he must answer for the sums.'

4. Walter de Kipsworth shortly after Evesham seized the lands of Robert le Poer in Little Waltham on the ground that Robert was in Ely against the king. '*He held them till Robert satisfied Walter with a fine of 30 marks and that land was not granted by the king* and it is worth 100 shillings a year. And Robert is now in seisin. Therefore the sheriff was ordered to seize the land into the king's hand and to keep it till further orders and be responsible for the outgoing etc. And to summon Robert to be before the Justices at Colchester on Tuesday the morrow of St. Gregory's day to answer for his being in Ely against the king.'³

5. 'Walter of Uffington who has land in Ginges worth one mark a year was against the king in the island of Ely, and his land has not been granted by the lord king. Therefore the sheriff was ordered to seize the land into the king's hand and to keep it in safety.⁴ And to summon Walter to be before the Justices at Colchester Tuesday, the morrow of St. Gregory's day.'⁵

With these examples before us it is quite easy to see why these inquests were taken. Often the former rebel had got back his land for a trifling sum or perhaps for nothing at all. It is in the king's interest to see that the redemption is

¹ This is Robert de Tateshale, senior. He was a prominent loyalist whose manors were systematically plundered by de Montfort's party. See C. R. R. 178, m. 14 for this very case. The chief aggressor was Richard de Tany.

² Apparently the money never reached the Exchequer.

³ This is most unorthodox, for (1) Walter had no business to be holding Robert's land at all. It should have been surrendered to the *seisitores*. (2) Robert was in Ely—worst of offences—which involved a fine of five years' rental. Yet he did not even pay a fine of one! (3) Robert did not stand to the *Dictum* at all. The whole transaction was private and irregular; therefore Robert had no legal right to be in seisin.

⁴ Here Walter has no right to be in seisin.

⁵ I have omitted two presentments from this list. They can be found in Hunter, *Rotuli Selecti*, 131.

properly paid. 'No redemption, no title' was the watchword, for the loss of the redemption might mean a loss to the Exchequer. Furthermore, the rents of manors which should by rights have been in the king's hands after the Winchester Parliament of 1265 had frequently gone into the pockets of the great. This money must be forthcoming, say the Barons of this Exchequer. So the first thing to do is to find out who received the rents. Consequently the presentments always state the name of the recipient and the sum received.

The other group of presentments concerns offences committed during the years of disturbance. The most common of these are: robbery and destruction on the manors of loyalists;¹ the cutting and selling of wood from these manors;² the buying of stolen corn, agricultural products, or wood;³ reception of the king's enemies;⁴ recruiting or speaking on behalf of the earl;⁵ selling provisions to the defenders of Ely;⁶ sending men to garrison the castles of the rebels such as Wallingford, Odiham, Windsor,⁷ and, in short, in any way helping the baronial party directly or indirectly. This section, of the greatest interest for the social historian, will receive treatment in the following chapter.

For the moment, however, the application of the Award claims our attention. In the criminal presentments one is struck with the scarcity of instances where a literal *redemptio ad quinquennium* is enforced. Frequently the rebel acknowledges his guilt and offers as much as he reasonably can. Here is a typical case from Eton.⁸ 'Henry de la Merke (perhaps the Henry de Merke who held three fees in the honour of Boulogne in Essex)⁹ came under attachment and

¹ Each roll contains a good sprinkling of these, which are too numerous to recount in detail.

² A. R. 1207, m. 2 d., 237, m. 3 (Peter of Savoy's wood at Cheshunt).

³ Ibid., 821 (Suffolk), m. 20 d., with a special schedule of 'emptores bosci' which includes four Priors and the abbot of St. Edmunds; m. 28 (Stapelho).

⁴ Ibid., 59 (Bucks.), m. 19 d (Abbot of Nutley); *ibid.*, 42 (Berks.), m. 2 d., &c.

⁵ Ibid., 59, m. 18, &c.

⁶ Ibid., 83 (Cambridge), m. 23, Town of Cambridge, &c.

⁷ Ibid., 42, m. 5, &c.

⁸ Ibid., 59, m. 17 d.

⁹ *Book of Fees*, i. 485 (1235).

the justices charge him with being against the king (in the city of London) during the time of the disturbance, robbing the king's loyal subjects and committing depredations against the peace. And the said Henry appears to defend his cause and says that he was robbed by Hugh Bigod (!) and for this very reason he went to London; he admits, moreover, to being at Rochester, but says he never robbed at all nor did any ill, and asks that inquiry be made on this point. And twelve men of Stokes, Ralph Ruter excepted, say on oath that Henry was with the Londoners at Rochester, but they know not if of his own will or not. Further, they say that he did not go a plundering about the countryside. And because it was found that he was at Rochester with the Londoners against the king judgement was given that he should redeem his land. Afterwards came the said Henry and paid a fine of half a mark for his offence.'

Now Henry was strictly liable, on the most favourable interpretation of his actions, to a fine of two years' rental. But nothing is said about the sum required. He simply pays up and goes. The strict letter of the law is not insisted upon. What then of the rebel who has no land? Instead of being put in prison he is simply made to swear that he will apply himself to loyalty towards the king and never again be against him: or sometimes, more simply, the entry runs 'iuravit et condonatur ei'.¹ What more could be done?

For the application of the two year and one year rules, we cannot do better than glance at the presentments for the hundred of Lambourn in Berkshire.² Reginald de Hadel is presented by the township of Lambourn for receiving the king's enemies. Two simple folk with the good rustic names of Robert Acorn and Roger Haywood have been to plunder the Chaplain of John Mansel who lived at Froxfield and, on their way back with the corn which they had stolen, called at Reginald's house; for Reginald was some relation of Robert's. *Et quia convictum est per predictos iuratores quod dictus Reginaldus eos recepitavit consideratum est quod redimat*

¹ A. R. 59 (Bucks.), m. 17 d.

² e. g. A. R. 42 (Berks.), m. 2 d.

terram per unum annum. Finem fecit alibi, ideo nichil hic. The penalty was not a hard one. There is Henry Terry who is attached for robbing in company with his friends the very justice who at the moment is trying the case. Terry's defence is that while he was on his way to his master the abbot of Cirencester a crowd of malefactors, on horse and a-foot, took him off with them to pillage his lordship's manor. The local jury of Lambourn, together with the jury of Lambourn hundred, declare that Henry was at the robbery, but whether of his own will or not they do not know. The justices give him two years' redemption, which was on the whole a fair sentence; perhaps a little severe, but it was the judge's house!

Two further cases from Buckinghamshire will illustrate. A number of men in the Tichesele (Hikshull) hundred are attached for plundering with William de Lay. They succeed in proving that William distrained them—and distrained them by threat of murder and arson—and are assigned one year's redemption according to the *Dictum*.¹ William Baldwin of Crendon² is attached for finding one man for castle-guard in the rebels' castle of Wallingford; he can prove that as he held by serjeanty of the Earl of Leicester he was distrained, and so he has to pay one year's rental.

Through all the mass of disputes which arise over the application of the Award the justices seem to have taken a steady course. Complicated cases when title is uncertain were often reserved for the king; in certain instances defendants 'put themselves upon the rolls of the lord king'.³ But there seem to be very few who are dissatisfied with the application of the Award and take their case into the king's

¹ A. R. 59, m. 18; 'quosdam ligavit, quosdam verberavit.' He threatened the father of one defendant that he would kill his son unless he accompanied him.

² The *capitale manerium* of the honor of Giffard: *R. H.* i. 25.

³ A. R. 618 (Northants.): m. 1, where the question is 'Has the plea already been heard *coram rege*?'; m. 9, where the defendant claims that he has already proved his innocence 'by inquest taken by good and faithful subjects of the king in the presence of Philip Basset and other magnates and loyal men of the king'.

court.¹ The verdicts of the local juries are scrupulously respected. There is default among the juries in East Anglia where several townships refuse to appear;² but where they do default one finds only two cases of concealment detected and of a definite refusal to assess a man's property.³ Both sides seemed to have recognized that here was a chance of settling the difficulties of the past six years, and to their credit a healing settlement was made.

But it was not a perfect one. There is no doubt that in the administrative confusion of the years immediately after Evesham certain persons 'pushed themselves into' estates and manors (*se intruserunt*) without proper title, and were not turned out as they should have been. A little story from a Curia Regis Roll of 1266 amusingly illustrates the way in which estates were doled out and were liable to be the prey of unscrupulous land-hunters.⁴ In *Brus v. Tany* we have the picture of two men who were both claiming the same manor engaged in a remarkable dispute over the validity of their charters.

The king granted by charter the estate of the rebel Robert de Sutton in Theydon Mount (Essex) to Robert de Brywes (Brus), and Robert took seisin of it; but he was turned out by Richard de Tany, junior, who, when summoned before the king to show warrant, produced a royal charter dated 26 October 1266, enfeoffing him with the manor and lands, on the strength of which he objected to being impleaded by Robert.⁵ Robert, however, declared that he had been enfeoffed by royal charter too, and that the sheriff had been directed by the king's writ to put him in seisin of Theydon. His charter was dated 29 October, and he disputed the authenticity of Richard's charter and the validity of his seisin.

¹ For a decision of William de St. Omer successfully appealed against, see C. R. R. 184 A, m. 13.

² A. R. 821 (Suffolk), m. 6.

³ A. R. 83 (Cambs.), m. 20 d., Hundred of Radfield, and the refusal of a tithing in the town of Cambridge itself to assess the property of a certain rebel; Appendix X, p. 404.

⁴ C. R. R. 175, m. 15 d.; Appendix VII.

⁵ This is in the Charter Roll; cf. *C. Ch. R.* ii. 59.

Richard again demurred ; his charter, he urged, was of earlier date and Robert had no case.

Robert then shifted his ground. He prayed the king to allow the grant of Theydon to hold good because it had been made at the request of the 'maiores de consilio', Roger Bigod, Roger de Leyburn, and Walter de Merton, and because it was the recompense for land which he had surrendered at the request both of the king and the magnates of the Council to Robert Waleraund. He made this request day after day till the king finally consented to hear the case once more. Robert then repeated his last argument, but also returned to his old position and declared that Richard got his charter by false pretences. The king never gave orders to his chancellor that the charter should be made ; no clerk ever wrote the charter, or let it go forth on the Chancellor's word ; and he put himself 'upon the Chancellor and his clerks' and 'especially upon him that granteth the signed letters and charters, by whose hand each one must be delivered from the chancery'.

Then the fun began : the officials came one by one into court. First the Chancellor said he knew nothing about Richard's charter—unless perhaps *this* was what happened : 'at the time when the king granted out lands to a great horde of knights¹ [*multitudo militum*, with some scorn] and he himself gave orders to his clerks to make out charters for each one according to what was written on Walter de Helyon's roll, Richard's charter might have got thrown in with the others to be signed, so that he signed it unwittingly and under deception'. But he could not imagine how Richard got the charter, to begin with. Then Walter de Helyon was called, and, needless to say, knew nothing about it. Then John le Faukener, who was responsible for sending out all letters patent and charters and collected the money that was paid for them ; and he told a very good tale. Robert de Brus, he said, came to him and complained about Richard's charter. He accordingly went to John de Kirkby

¹ October 1265, referred to above.

who had the Chancellor's record of charters granted¹ and asked him how Richard came to get a charter. John said he knew nothing about the matter; but he let out that after Robert was in seisin of Theydon Richard came to him and said: 'Theydon is a pretty manor and lies next to mine at Stapleford; it would just do for me, and I'll go and ask the king to give it to me;' ² then (I quote the text) 'the said John answered that the lord king cannot do this, for that he hath already given it to Robert de Brywes; and the said Richard answered "Of a truth he shall never have it."' The charter was clearly surreptitious, and the engrossing clerk, Walter de Helyon, who must have been in the know, should never have let it go through.

This rich climax is probably as true as it is humorous. The story explains several of the questions of the Eyre *de terris datis et occupatis*. It is a case of intrusion during a time of disturbance and stress. It shows how the administrative machine might be circumvented and endless trouble caused thereby. It depicts the rush and scurry after Evesham when lands were doled out 'to a great crowd of knights'; how easy it was to make the mistake which would take long to put right, and how necessary it was to make a thorough and systematic list of lands of rebels granted away—the subject of chapter I of the Eyre.

§ 3. *The Placita coram rege.*³

This atmosphere of hurry and pressure will explain the circumstances under which not a little of the litigation *coram rege* during the three years after Evesham originated. But

¹ Perrexit ad Iohannem de Kirkeby habentem rotulos Cancellarii de cartis inrotulatis et quaesivit ab eo quomodo dictus Ricardus cartam huiusmodi habuisset . . .

² 'Et dixit Teydon pulcrum manerium esse et iacet iuxta manerium meum de Stapleford' et bene sederet mihi et manerio illi rogabo dominum Regem quod det mihi manerium illud.'

³ As the history of the development of the *Placita coram rege* in the thirteenth century will soon be the subject of a detailed monograph by Mr. M. Tyson, I have not tried to anticipate his work, but have simply given a very summary account of the pleas during the rebellion epoch.

the bulk of the rebellion trials which came before the court are criminal cases of assault, robbery with violence, imprisonment, forcible detention, and the like, introduced by some variation of the formula *X op. se versus Y de placito quare vi et armis occasione turbacionis habite in regno venit ad manerium predicti et bona et catalla asportavit et servientes suos verberavit*—i. e. fired his barns, carried off his stock, or inflicted some physical injury upon him. Defendants normally default (the bodies can seldom be produced) and the cases go dragging on term after term.¹ These actions were probably not heard under any original writ of trespass, for a 'provision' of the Council at Windsor, at Michaelmas 1265, granted sufferers in the rebellion a judicial writ of attachment against their opponents free and without payment upon complaint; a fact which may help to explain the very great number of these criminal actions during the next few years.² Far greater in numbers than the civil actions,³ these trials are from an historical point of view less remunerative than the latter, because they are seldom defended, and very rarely, unless a special inquest is ordered, contain any information on the events and circumstances of the crime except in so far as

¹ Cf. the suits of Thomas de Audeham and Robert de Tateshale.

² Close, 49 Hen. III, m. 2 d. (schedule): 'Provisum est concorditer per Regem et Consilium suum et alios magnates qui presentes aderant apud Wyndesor' in festo sancti Michaelis anno regni regis xlix quod hi qui roberias et depredationes fecerunt post pacem publice in regno clamatam ad querimoniam eorum qui dampna huiusmodi sustinuerunt attachientur depredatores illi per corpora sua Ita quod vicecomes eos habeat coram Rege ad diem tertium et si de roberia vel depredatione huiusmodi conuicti fuerint omnia dampna refundent conquerentibus et nichilominus in prisona regis retineantur per duos annos proximo sequentes nec inde exeant vel liberentur nisi per gravem redemptionem ad beneplacitum domini Regis. Et dabitur breve de attachiamento huiusmodi gratis et curret lex ista pro teneritate pacis et pro huiusmodi transgressionibus coercendis usque a festo Sancti Luce anno predicto in unum annum sequentem completum.' The time was afterwards—at Hilary 1268—prolonged till Michaelmas 1268 (*ibid.*, in a later hand), but the criminal cases continue in considerable numbers some while after that date, a fact which supports Maitland's conjecture (*Register of Original Writs in Collected Papers*, iii. 154) that the writ was made a writ of course—'an affair of everyday justice'.

³ This will appear from the examination of any post-rebellion *coram rege* roll, e. g. C. R. R. 186 (Michaelmas, 1268), when out of the 378 cases, excluding licences for *concordiae*, recognizances and cases called but not begun, over 200 were heard under this formula.

they testify to the general lawlessness of the period and the incapacity of the sheriff to distrain the culprits or produce the bodies by a certain day. Very little is to be learned from the long and dreary lists of bailsmen, but the names of the defendants themselves and of the villages from which they came are often interesting and significant when large groups of men from a certain neighbourhood are sued. With these actions we shall be concerned later. But the civil actions for recovery or restitution of occupied territories whether initiated by loyalists or by rebels availing themselves of the terms of the *dictum de Kenilworth* are worth some analysis both from a legal as well as from an historical standpoint.

Restitution to loyalists of their lands in the occupation of rebels appears to have been an early concern of the Government. The mandates to sheriffs to re-seise faithful subjects of their possessions are numerous in the Close Roll of 1265-1266, and, apart from these, certain commissioners (who are to be distinguished from the *seisitores*) charged with the work of 'hearing and correcting complaints and trespasses done in the counties'—William de Ayot and Richard de Harlow in Hertfordshire, Simon de Seinliz in Buckinghamshire—had included in their work the task of restoring confiscated territories.¹ The next stage is a further 'provision' of the Council at Windsor referred to above, which ordained that all who complained of the alienation of their lands through occupation or sale might have them seized into the king's hand (by distraint only, so that occupation might not be disturbed) and might summon the tenants for the time being to show cause why they (plaintiffs) should not recover.² Like the earlier

¹ C. R. R. 174, m. 1. The duties of Ayot and Harlow roused considerable opposition; certain men are summoned (*ibid.*, m. 9) for an attack on Ayot's manor, and 'ad ostendendum quare in homines Ricardi de Herlawe ad querelas et transgressionem factas in comitatu predicto audiendas et corrigendas assignati, quos idem Ricardus cum hominibus predicti Willelmi ad maheremium et bona eiusdem Willelmi . . . asportata arestandum misit, insultum fecerunt, verberaverunt, vulneraverunt et maletractaverunt et imprisonaverunt in contemptum domini regis manifestum, per quod predictus Ricardus mandatum domini regis exequi non potuit.'

² Close, 49 Hen. III, m. 2 d. (schedule): 'Provisum est eciam ibidem de terris alienatis per occupationem, venditionem vel alio modo tempore guerre nuper habite in regno post bellum scilicet Lewense quod hii qui de

provision on criminal suits this was to hold good for a year, but at Hilary 1268 so great had been the disturbance of the past two and a half years that many had been 'unable to pursue their seisins' and the term of grace was extended.¹ This provision was apparently the origin of the possessory action sanctioned on 8 February 1267 in the *Addicio Dicti de Kenillworthe*, which was to be begun by 'the writ called *talem qualem*', of which a specimen was given.² One such writ is attached to the *coram rege* record of March 1268 and, at the risk of repetition,³ might be quoted in explanation of its title :

'Henricus dei gratia Rex Anglie Dominus Hibernie et Dux Aquitanie vicecomiti Sumersete salutem. Cum per nos et magnates qui sunt de consilio nostro concorditer sit provisum quod illi qui tempore gwerre nuper habite in regno nostro nobis fideliter adhererunt talem habeant seisinam de terris et tenementis suis et antecessorum suorum nobis similiter adherencium super ipsos eodem tempore occupatis qualem ipsi vel eorum antecessores inde habuerint in principio eiusdem gwerre ac Willelmus de Bolevill et Isabella Pancefot Bricio filio et heredi Willelmi le Deneys qui nobis tempore predicto

predicta alienatione conquesti sunt habeant breve ad vicecomitem de terris illis capiendis per visum et testimonium legalium hominum in manum Regis ; Ita quod dies assignetur tenenti quo veniat si sibi expedire viderit ostensurus quare conquerens huiusmodi terram recuperare non debeat sicut dictum est et tunc per considerationem curie quod equum inde videbitur et iustum utrique parti inde fiat.'

¹ 'Ibid, tamen propter turbationem que subfuit per rebellionem eorum qui se tenuerunt in Insula de Axiholm' et illorum qui apud Cestrefeld et alibi contra regem postea fuerunt et eciam propter obsidionem de Kellingeworth et occupationem Insule Eliensis et civitatis Londonie per quod multi seysinas suas amiserunt prorogatus est terminus usque ad festum Sancti Michaelis proximo futurum.'

² 'Breve quod vocatur "*talem qualem*".' Printed after the *Addicio* in *S. R. i.* 18, from MS. Cotton., Appendix XXV, f. 20. An earlier and somewhat different formula appears in Michaelmas 1266, *C. R. R.* 177, m. 4: '[X] op. se versus [Y] de placito quare cum idem [X] domini regis et Edwardi primogeniti sui fidelitati toto tempore gwerre constanter adhererit et de turbacione predicta in nullo contra dominum Regem se intromiserit, predictus [X] quasdam terras et tenementa in [Z] super ipsum occupat et deforciat, ut Rex accepit. Et unde predictus [X] queritur etc.' Sometimes the formula (as e.g. in *C. R. R.* 186, mm. 9, 13) is simply '[X] op. se versus [Y] de placito terrarum et tenementorum in [Z] que idem [Y] super eundem [X] occupata tempore guerre ei deforciat, ut dicitur.'

³ Not entirely, because of the insertion of the *antecessores* which is not found in the printed specimen in *S. R. i.* 18.

fideliter adhererunt quasdam terras et tenementa in Stoke Deney's super eundem Willelmum qui in principio eiusdem gwerre inde seisinam habuit occupata deforciat ut accepimus tibi precipimus quod eisdem Willelmo de Boleville et Isabelle scire facias ex parte nostra quod sint coram Iusticiariis nostris Itinerantibus apud Bathon' in crastino clausi Pasche si sibi viderint expedire ad ostendendum si quid obstare debeat propter quod predictus Bricius talem seisinam habere non debeat de terris et tenementis predictis qualem predictus Willelmus le Deney's frater suus inde habuit in principio gwerre predictæ. Et habeas ibi hoc breve. Teste me ipso apud Westmonasterium xxij die Martii anno regni nostri Lijº.¹

This, it will be seen, is a writ initiating a process before the justices on the special Eyre, and only occurs on the *coram rege* roll because the case has been called to Westminster by a *certiorari*. But most of the recovery actions brought by loyalists are, as far as we can judge by a comparison of the *coram rege* and the Eyre rolls, started at Westminster or *coram rege ubicunque fuerit*, and proceed on the lines of the writ, repeating the whole of its introductory section. The parties appear and plead as in ordinary possessory assizes. It will be worth while following out a few of these actions for the evidence of the sort of case which comes up for trial under it, and in particular of the tenurial changes that took place during the disturbance.

1. A certain Bryce (Bricius), son and heir of William le Denys who holds in Somerset, complained that two persons, William de Boneville (or Boleville, alternately) and Isabella Pancefot,² are deforciant's of his manor which Nicholas de Boneville, William de Boneville's father, seized during the war: he (Bryce) remained faithful to the king throughout. His land therefore should be returned to him. After the pleading and counterpleading the *patria* gives its verdict:

'They (the jurors) say on their oath that Nicholas de Boneville held the manor for a long while before the war: and

¹ C. R. R. 184 A, m. 11 a. The *tempus guerre* is defined in MS. Harleian 1033, f. 10 b, as extending from 4 April 1264 to 17 September 1265, the day on which peace was proclaimed at Winchester. S. R., *ibid.*

² Or Pauncefot.

that William le Denys impleaded him of the said manor before the justices at Westminster by royal writ of right, before whom the case was set out by plaintiff and answered by tenant (*coram quibus praedicta loquela inter eos fuit querelata et responsa*) and the proceedings in justice were begun; and afterwards by reason of the common summons for the last eyre of the justices in that county (Somerset) it was assigned for hearing before those justices when then on Eyre there; and afterwards, because judgment on that plea had not been pronounced in the said eyre, it was assigned for hearing before the justices in Eyre at Sherborne in Dorsetshire on a certain day after June 24 1263; before which day enemies of the lord king were going with flags flying through the country plundering loyal subjects, for which reason the Eyre of the justices remained at Sherborne.¹ And they say that within a month after the enemies of the lord king were on their hostile march, to wit on the Sunday before St. Peter's Chains (August 1, 1263), William le Denys with a crowd of men whose names are unknown put himself in seisin while Nicholas was absent. And they understand that those who came with him to take the seisin were of the household and retinue (*efforcio*) of Roger de Clifford and John Giffard who at that time were against the king. And they say that the said William le Denys from that time on had peaceful seisin of that manor as long as he lived, selling hay and corn and other produce of the manor and taking esplees up to 20 marks and more. And they say that the said William died peacefully seised of that manor, after whose death escheators of the lord king came and seized the manor into the king's hand under plea of holding it in wardship for Bryce.'²

Nicholas, their remarkable verdict proceeds, then calmly came and turned the escheators out! It is an extraordinary tangle. The fact that the escheators respected William le Denys's seisin and held the land *nomine custodie predicti Bricii* shows how strong a title to the land the very fact of dying in peaceful possession established. Strictly speaking, of course, William le Denys had no legally established right to the land: he had taken the law into his own hand, he was an intruder, and apparently, as he was put in seisin by the rebels, a rebel intruder into the bargain. And yet his son

¹ Apparently the case was not heard.

² C. R. R. 184 A, m. 11.

pleads 'faithful service' and seisin before the war! The king's court had a difficult task in such cases.

2. Faithful Londoners, who had suffered at the hands of their fellow-citizens for adherence to the royal cause, were allowed to sue for the recovery of any of their lands that had been confiscated. A certain Thomas de Basinges, citizen of London, lost his manor at Creye which was given away to Simon de Creye (presumably the justice). He proceeded to sue under the new action (in a slightly varied form to meet the case of London)¹ for its recovery. Simon refuses to plead, on the simple and striking ground that Thomas was a Londoner: that was enough: he had adhered to the 'mayor and community' (the commune is probably meant) against the king, and Simon had the king's charter for his grant.² Thomas denies any disloyalty. And Simon repeats the charge, specifying further that Thomas sent his men with Simon de Montfort to the siege of Rochester; that he was at Lewes and that he made Simon de Montfort 'a subsidy' of his goods. Thomas denies, and asks for a jury, which is granted him. Twelve loyal citizens of London faithful to the king during the war are summoned, and Simon, grumbling apparently at the jury being held within the city (according to the liberties of London) and perhaps distrusting its composition, withdrew in contempt of court.³ The jury established Thomas's innocence and he recovered the manor.

¹ C. R. R. 187, m. 14: 'Praeceptum fuit vicecomiti quod quia per ipsum regem et fideles suos provisum est quod illi de London' qui [. . . de fidelitate sunt] a tempore turbationis habite in regno regis nunquam recesserunt set potius regi adherendo depredationes, [iniurias, ?] redemptiones et alia dampna pro rege sustinuerunt recuperent ab illis terras et tenementa sua ip . . . occasione transgressionum regi factarum per communitatem civitatis predictae; et Thomas de Basinges a fidelitate regis nunquam recessit, ut dicitur, sed pro rege multa gravamina sustinuerit *etc.* . . .'. The text is very blurred.

² 'Et petit iudicium desicut predictus Thomas est concivis [predictae civi]tatis et de eadem civitate et idem Rex dedit predicto Symoni predictum manerium cum pertinenciis per cartam suam [in] torisfacturam eiusdem Thome qui adhesit tempore guerre predictae communitati predictae civitatis [adversus] Regem et suos fideles, si debeat ad hoc breve respondere.'

³ 'Ad quem diem predictus Symo ibidem in eadem curia venit. Et nichil scivit dicere contra predictam inquisitionem cur dicta inquisitio remanere [non] deberet nisi tantum quod in eorum veredicto super

3. The action which we are discussing was in all probability originally intended to do justice to the loyalist as against the rebel who is presumed to have seized his land and will not restore it; but it is also employed by loyalists against other loyalists to whom the land has been granted by mistake, or who, taking advantage of the disturbance, have slipped into the place of the original owners. Two cases will illustrate.

Robert de Brus, the justice, sues Robert Waleraund for lands in Somersetshire and Wiltshire that were his before the war, of which he claims that Waleraund is deforcing him. Waleraund in his reply says that both remained loyal to the king during the struggle, but that after peace had been proclaimed at Winchester Robert de Brus had received orders to 'restore' those lands and tenements to the king;¹ whereupon at Canterbury Brus 'of his own free and good will' surrendered the lands into the king's hands. The inference, of course, is that Waleraund got them because he was granted them later by the king—which turns out to be the case. Brus was now claiming because he had already brought an Assize for these estates against Waleraund and secured a verdict, with which Waleraund had failed to comply. Which then was to be upheld—the king's grant or the judgement of the Assize? The following extract will show the curious circumstances of the case:

'And Robert de Brus says that well may Robert Waleraund say what he likes about his restoration to the king of the land in question; yet to prove that Robert Waleraund is now deforcing him of that land and its tenements as his writ says, he asks that inquiry be made by the *patria*.

Afterwards comes the said Robert Waleraund and says that the said plea has been improperly enrolled (*inepte inrotulatum est*) because when he pleaded with Robert de Brus he

premissis nullo modo . . . eiusdem inquisitionis in contemptum curie recessit. Ideo ipse in misericordia.' [I am not at all sure of the exact meaning of the illegible text here, but can only interpret as above.] The king testified later, in 1271, to Thomas de Basinges's loyalty which had rendered him so unpopular in the city that when the fine of 20,000 marks was imposed he was 'tallaged beyond measure'. *C. P. R. 1266-1272*, 590.

¹ Cf. *C. R. R.* 186, m. 3 d. (Somerset).

excepted that he ought not to reply to his writ of seizure (*brevi suo de occupatione*) since after that Robert de Brus had restored the said land and tenements to the king of his own free and good will, as is aforesaid, the king enfeofed the said Robert Waleraund with those lands and tenements by his charter and placed him in seisin thereof, and he did homage for them to the king. And he says, as before, that he cannot reply to Robert de Brus on the matter without the king's testimony. Moreover he says that the said enrolment ought not to damage him or be of any service to Robert de Brus, *because at the time when they pleaded together the said Robert de Brus was chief justice of the bench without colleague or counter-roll (contra-rotulo)*. And he asks judgment whether, seeing that Robert de Brus was then both his opponent and his judge (*iusticiarius suus*) trying the case with no colleague or counter-roll, the enrolment, inasmuch as it was foolishly drafted (*inepte conceptum*) and imperfectly recorded, should damage him and prevent his exceptions holding good.

And Robert de Brus says that the aforesaid plea was enrolled just as it was pleaded before the king's council and in no other wise. And that this may be the case he puts himself upon the record of the said council. And he seeks judgment whether, on the ground that the said Robert Waleraund admitted (*cognovit*) before the said council that Robert de Brus had seisin of those lands and tenements before the war, it can now be objected against him by any exception that he should not regain his seisin as his writ requires.¹

The ending of this case is not recorded; of two at any rate of the estates in question, Rodway and Stogursy in Somerset, Waleraund was in possession when he died in 1272, so it appears that Robert de Brus did not recover them all.² Besides the fact that here are two loyalists suing by this special recovery action, a remarkable point about this case is the objection to the earlier trial before Robert de Bruce, himself both plaintiff and judge, as improperly held and enrolled. That a 'chief justice of the bench' should 'put himself upon the record of the king's council' in a case shows a lack of differentiation in the judicature which is perhaps

¹ C. R. R. 186, m. 13 d.

² *Calendar of Inquisitions*, ii, no. 6, p. 8.

a little surprising after 1265, unless *de banco* means *de banco regis* and not the Common Bench. Dugdale, who knew this passage, took the phrase to mean 'Justiciar of England', like Hugh Bigod or Despenser, and assigned the date of the first trial to 1263, with the words '*capitalis iusticiarius sine socio et contra-rotulo et adversus Regem*'.¹ Where he got the *adversus Regem* from it is difficult to see, for it is not in the text, and Brus was never against the king. It may be a deduction from the peculiar circumstances of a trial without counter-roll or puisne judges, which Dugdale may have thought to be only possible at a time of extreme disturbance; but the mention of the proclamation of peace at Winchester suggests that the trial took place *after* September 1265. One is inclined to think that Brus was at the time holding the position to which he was formally appointed in March 1268, 'justice to hold pleas before the king during pleasure,'² and that there was at the time no clear division between the Court *coram rege* and the Council.

A second example of this method of using the action comes from Yorkshire where the litigious Isabella de Fortibus, Countess of Albemarle, complains that a certain Rémy de Pocklington was detaining from her a carucate of land in Pocklington.³ The deforciant, excepting to the writ, pleads

¹ *Origines juridicales*, p. 20. Robert de Brus was a justice in Eyre in 1262, *ibid.*, p. 19. He was one of those royalists who signed a pledge to abide by the award of Louis IX in Dec. 1263: *Foedera*, i. 434. Furthermore Philip Basset was *capitalis iusticiarius* in 1263, holding pleas *coram rege* in the summer, as two antedated pleas on the *coram rege* roll of Michaelmas-Hilary 1267-1268 bear out: C. R. R. 181, m. 27 d.: 'Placita coram domino rege de quindena Sancte Trinitatis anno xvij [obviously for xlvij] de tempore Philippi Bassat tunc iusticiarii Anglie'; and *ibid.*: 'Placita coram domino Rege in Octabis Sancti Iohannis Baptiste anno xlvij^o de tempore predicti Philippi tunc iusticiarii Anglie.'

² *C. P. R. 1266-1272*, p. 202. The Patent is quoted by Dugdale, *op. cit.*, p. 22, 'R de B constitutus *capitalis iusticiarius*', though I cannot find where this *capitalis* comes from. The statement is repeated by Foss, *Judges of England*, ii. 270, 'On 8 March 1268 he was appointed *capitalis iusticiarius ad placita coram Rege tenenda*.'

³ C. R. R. 186, m. 24. Isabella's legal adventures as well as her own personal history during the war are worth studying. She herself stated in court that she was sold by her enemies for five hundred marks to young Simon de Montfort, who pursued her with horses and arms about the country with intent to abduct her till she fled for refuge into Wales. Her famous litigation with her mother the Countess of Devon, both *coram rege* and in the Exchequer of Pleas, dates from the *tempus turbacionis*.

that he was in the service of the Countess before the war and was enfeoffed by her with ten librates of land for the arrears of pay which she owed him. Isabella, however, had claimed that her seneschal had interpreted the grant too liberally and the parties had accordingly agreed that the land should be surveyed and extended and the surplus or deficiency—as the case might be—put right. When the land was extended it was found that Rémy had received less than his ten librates—fifty shillings' worth only—and accordingly the seneschal made up the deficiency by putting him in seisin of more. There was no deforcement of any kind. Isabella's reply was that Rémy had taken advantage of the disturbed period between Lewes and Evesham to enter upon the land; it was a clear case of deforcement during the period of war. The case went to a jury, but its ending does not appear; but it is surely one that could have been heard under a writ of novel disseisin instead of under the more important formula, and Isabella's action is simply based on the fact that the disseisin took place *temporeurbationis*. Still, from a juridical point of view, the action may be correct. Probably any alleged disseisin or deforcement of land during this period of turmoil could be made the subject of this possessory action.

One immediate task of the court was to assist those who had been wrongly labelled rebels and had lost their lands in consequence. A plaintiff from Northumberland, William de Douglas,¹ alleged that Gilbert de Umfraville, lord of Redesdale, and John de Harlow had told Edward, when he was besieging Alnwick Castle, that he (William) was an enemy of the king and on the strength of it had asked for his manor at Fawdon, which Edward had granted them provisionally.² An inquisition held later established William's loyalty, and the king directed the sheriff of Northumberland to put him in seisin once more; but Gilbert, 'at John de Harlow's prompting', sent a force of about a hundred rebels from the valley of Redesdale and robbed, maltreated, and ejected the

¹ C. R. R. 181, m. 28 d. See A. Hamilton Thompson, *Northumberland Pleas* (Newcastle upon Tyne Records Series, vol. ii), pp. 270-2, for translation. Harlow (Hirlawe) is Harlow Hill.

² *Si verum esset quod ei imposuit* [Gilbertus].

unhappy William. His story may well be true, for he had already appealed others in county court for the same offence. That it was not always easy for a man, who, like William de Douglas, had cleared his name and demonstrated his loyalty, to recover his lands is shown by a case from Wiltshire.¹ The whole of the land of a certain Richard de Borard² was granted in 1265 to Maurice de Berkley; but Richard, who had managed to prove his innocence in the king's court before the publication of the *Dictum*, had been awarded the land once more. Maurice apparently made formal restoration to Richard, but a certain amount of the land still remained in the possession of one William de Dernford, who claimed to hold *part of it* by royal grant. William was accordingly summoned *coram ipso domino rege* to show cause why Richard should not recover, then, when he failed to appear here, before the justices *de terris datis* in Wiltshire, who were instructed by several mandates to do justice to Richard, but never persisted with the case: probably, as was alleged, because William never appeared and could never be secured. Richard complained of this delay, and this time the court ordered the restitution of the land to Richard and an inquest to be held into the damage suffered by him during William's continued occupation of the territory.³ The land was restored, but the sum assessed for damages and ordered to be levied from William's land was still unpaid in 1273.⁴ The case raises an awkward suspicion about William de Dernford. How did he get hold of any of Richard's land when it was all given to Maurice de Berkley? Did the king, forgetting what he had already given to Maurice, grant him the land, or did William simply 'intrude' and prevaricate about the king's donation? The question might be answered either way, but we have no means of knowing the truth.

¹ C. R. R. 186, m. 25.

² He held in Clifton and Hockleigh. *Terrae rebellium* in Hunter, *Rotuli selecti*, p. 254.

³ C. R. R. 186, m. 25.

⁴ *Coram Rege* Roll 3, m. 7. Mandate to sheriff of Wiltshire to raise £40 from territory of William de Dernford, and give to Richard Borard in compensation for damage done during occupation.

The court's function of keeping an eye on the justices *de terris datis*, in particular by sending for the *processus loquele* upon complaint to the king that there had been error at some point in the trials, is well illustrated by the numerous writs of *certiorari* upon pleas taken during their Eyre that were sent out and returned from 1268 to 1270.¹ Another and somewhat different example of the court's surveillance, embracing not the justices but royal bailiffs in the city of London, is recorded in the Michaelmas Term of 1269. It relates to the summer of 1266, a time when the city was in the king's hands, governed by wardens (*custodes*) appointed by the king and by bailiffs instead of sheriffs. The king had expressly forbidden any pleas to be held within the city on 1 August because the legate Ottoboni was preaching at Westminster; yet in spite of the prohibition the Constable of the Tower and the bailiffs had held an assize (apparently of novel disseisin) between two parties—one of whom, never expecting under the circumstances that it would be held, failed to appear—and had given judgement in favour of the party who came into court. The king's court quashed the judgement and restored the land to the plaintiff, who had defaulted when the bailiffs tried the case.² The case is interesting for the way in which the court dealt with the insubordination of the bailiffs who took no notice of the solemn occasion of the homily to which Henry perhaps thought the officials and citizens of London should be listening. An earlier entry shows that the case came up sooner in the term before the Council, and that the bailiffs had protested against its being heard outside the city: their protest, however, was in vain, for the Council was convinced that there had been *surreptio curie*,³ and was determined that the case should be heard at Westminster. The final hearing, however, was before the justice Richard de Stanes,⁴

¹ A few examples are C. R. R. 184 A, m. 8 d.; 186, m. 28 d.; 189, m. 23; and 193, m. 26.

² C. R. R. 193, m. 27. The wardens of the city certified that the Assize had been held on 1 Aug. contrary to royal prohibition.

³ Ibid., m. 2 d.

⁴ Richard de Stanes was guardian of the Bishopric of London. C. P. R. 1266-1272, 47, 52. He is also described as *clericus regis*, *ibid.*, p. 80.

and the order of events seems to suggest that the Council when appealed to by the injured party deliberated on the case, decided to send for the record of the trial, and then handed over the hearing to one of the regular justices who sat *coram rege*.

The business of recovery might be complicated for the plaintiff by the fact that at some time between the battles of Lewes and Evesham he or she had made out a deed or charter in favour of the deforciant (the present tenant) of the land, or that the land had passed into the hands of the present tenant by conveyance made during this period 'while the king was in the keeping of Simon de Montfort'. To meet these cases the Council at its Windsor Session in 1265 had decreed that all sales of land or tenements and all charters and muniments drawn up between the two battles were to be annulled, except that buyers of lands in 'legitimate sale' were to recover the sums they had disbursed before the estates were returned to their former holders.¹ Very similar to this was the tenor of the seventh clause of the *Dictum* annulling all acts done 'at the instance of' Simon de Montfort and his friends together with all contracts in real property made while he was in power.² Cancellation of this kind is made the principal ground of pleading in an important recovery action brought in the Hilary Term 1268 by two Surrey plaintiffs, William de Wilburham and his wife Emma, an heiress in her own right, for lands in Shenles. Defendants, a certain William de Appletrefeld and Avice his wife, plead that the plaintiff Emma, as the result of an agreement (*com-*

¹ See the judgement of the king in Council, C. R. R. 182, m. 17: '[Et quia] per dominum Regem et commune consilium suum magnatum Anglie nuper apud Wyndesoram concorditer fuit ordinatum [quod omnes] alienationes de terris et tenementis per venditionem vel alio modo facte, et similiter omnes carte et munimenta facta tempore [guer]re predictae, adnullarentur et pro nullis haberentur, et quod huiusmodi alienationes revocarentur tamquam irritae tamen quod feoffatus per venditionem licitam recuperaret pecuniam suam quam apposuerat in emptione huiusmodi . . . antequam conquerens inde habeat seisinam suam. . . . consideratum est *etc.*' This provision does not appear to be on the Close Roll.

² It might, however, be maintained that this clause is not as wide in scope as the earlier Provision of the Council: that the acts mentioned are those done 'ad instanciam Symonis de Monte forti'.

posicio) made between the parties by which plaintiffs received adequate compensation, made over to the king all the lands which she held of him in chief, and that as the king bestowed them on Gilbert de Clare, and Gilbert in turn had granted them by charter to defendants, Emma and her husband had no case for recovery. Plaintiffs in their reply to this defence make an interesting statement. When war broke out, they say, John Mansel held the lands on lease; and as John Mansel was a loyal subject the younger Simon de Montfort came and seized them, and Emma, fearing that she would be disinherited, came and surrendered to the king all her rights over them, 'asking him to save those lands and tenements to her use lest she should be disinherited'.¹ Now that the king gave those territories to Gilbert de Clare, and Gilbert de Clare to defendants, did not matter at all; the transaction took place while the time was 'inopportune' (*quia dicunt [quod] totum illud tempus inoportunum fuit*), viz. between the battles of Lewes and Evesham, at a time when the king 'had no power over himself or over his kingdom except at the pleasure of Simon and his supporters'. At the final hearing of the case 'before the king and his Council and other magnates of England for the greater part then present there' this plea was admitted and plaintiffs recovered the lands.²

Considerable complications arose out of the pardons and remissions of royal indignation in the case of rebels whose lands had been originally granted away for their part in the rebellion, but who had returned to their loyalty and joined the Earl of Gloucester when he broke with Simon de Montfort in the spring of 1265. The former rebel would in

¹ C. R. R. 182, m. 17: 'in presentia predictorum Willelmi de Appeltere-feud et Auicie uxoris eius accessit in turbacione illa tunc in regno existente [i.e. between Lewes and Evesham] ad dominum Regem et propter incidens periculum sue exheredacionis oriunde, quod maxime dubitabat ratione guerre tunc in regno existentis, ipsa reddidit domino Regi quicquid habuit in dictis terris et tenementis supplicans eidem quod easdem terras et tenementa saluaret ad opus suum ne inde exheredaretur'. The case is printed in Appendix VIII.

² Cf. *ibid.*, 185, m. 12, when Isabella de Fortibus attempts to disown a charter drawn up in favour of Geoffrey de Fancourt, on the ground that the time was 'inopportune'.

accordance with the tenor of his pardon enter upon his old lands, and when complained of by the present tenant by royal grant and attached by the sheriff to answer for his entry would produce the charter of pardon granted to himself and, if he was of the Earl of Gloucester's '*friendship*' (*de amicitia comitis Gloucestrie*), the letters patent of the earl testifying to the pardon granted to his men, and on the strength of these claim to receive back his lands.¹ Such a claim put the Crown in a very awkward position. Was it to offend the present tenant or do justice to the former rebel? How difficult the situation might be is shown by a case that took two years to decide, in which the queen sought the full amount of the redemption under the *Dictum* of the lands of Ralph Heringaud (deceased) in different parts of the country, complaining that up to the present (1270) she had received 'scarce an half' of the amount from his son and heir.²

¹ C. R. R. 185, m. 13 d., Hugh de Elencurt and Walter de Capeles v. William de Tracy, the former rebel who, having been pardoned, entered upon the lands formerly his. 'Et predictus Willelmus venit et dicit quod predictis Hugoni et Waltero nulla restitucio debet fieri de terris et tenementis predictis quia dicit quod tempore quo G. comes Glouc' laboravit circa reformationem status domini Regis et deliberacionem domini Edwardi filii domini Regis primogeniti ipse fuit de amicitia et in auxilium predicti comitis circa deliberacionem predictam propter quod predictus Comes ipsum Willelmum recepit ad pacem domini Edwardi, Ita quod ex testimonio eiusdem Comitis dominus Rex remisit eidem Willelmo omnem indignacionem et animi rancorem quos dominus Rex erga ipsum Willelmum conceperat, eo quod idem Willelmus Symoni de Monte forti et fautoribus suis inimicis regis prius adhesit, et eidem Willelmo omnes transgressiones et excessus per ipsum prius factas usque ad sextum diem Octobris anno regni regis nunc quadragesimo nono pro se et heredibus suis quantum in rege est perdonavit; Ita quod ipsum Willelmum occasione premissorum non occasionabit vel a Iusticiariis aut balliis seu ministris regis occasionari permittet, et predicto Willelmo terras et tenementa predicta si ea post eandem concessionem rex dederit occasione turbacionis habite in regno quantum in rege reddidit. Et super hoc profert cartam domini regis que quidem hoc testatur et quam cartam dominus Rex eidem Willelmo [dedit] apud Wodestok' xx die Iunii anno Lijº' (cf. *C. P. R. 1266-1272*, 240). 'Profert etiam litteras predicti Comitis patentes que testantur quod idem Comes ipsum recepit ad pacem domini Edwardi tempore quo idem comes laboravit circa deliberacionem predicti domini Edwardi et quas litteras dictus comes ei fieri fecit apud London' undecimo die Martii anno predicto.' The Plaintiffs are awarded the action on the ground that they had been in peaceful seisin of the lands by royal grant for a long while before William obtained his charter. For the Earl of Gloucester's protection and pardon, see C. R. R. 185, m. 24; 186, m. 7.

² C. R. R. 197, m. 20. She asked to have the estates extended at their full value.

William, the heir, produces a charter of pardon granted to him on behalf of his father, containing the statement that the queen herself had in return for a fine of 40*l.* remitted all redemption-money which he might be liable to pay under the terms of the *Dictum* for his father's misdeeds.¹ What was the court to do? It decided for the queen, and the principal ground of its decision was that the king, after having made a grant, could not go back upon it in favour of another.² The picture of the discontented loyalist probably did not occur to the minds of the king and his supporters when pardons and restoration of lands were granted to the rebel whose estates were forfeit in the autumn of 1265.

The paucity of redemption cases under the *Dictum de Kenilworth* that were originated *coram rege*—as distinct from those evoked from the courts of the justices *de terris datis et occupatis* by writs of *certiorari*—is probably to be explained by the thorough way in which the itinerant justices did their work. The greatest of all such cases must surely have been the action of Earl Robert de Ferrers against Edmund of Lancaster, Henry's son, which did not come on till the Michaelmas Term of 1274, when the old king was no more and the bitter memories of the rebellion were dying.³ The rebel Earl of Derby made his peace with the king for a vase of gold and fifteen hundred marks on 4 August 1265.⁴ The gold vase with its ornaments of precious stones, pearls, and enamels was duly paid over,⁵ but notwithstanding the royal clemency the earl a few months later proceeded to rebel again. This time no mercy was shown. He was exempted from the meagre privileges of the *Dictum de Kenilworth*, kept in prison until May 1269, and while in

¹ *C. P. R.* 1266–1272, 205.

² '[Et quia] dominus Rex primo dederat domine Regine terras et tenementa predicti Radulfi occasione transgressionum et eciam ipse dominus Rex non potuit ex postfacto remittere ea que prius dederat alteri . . .']

³ There is an excellent account of the process in W. J. B. Kerr, *Higham Ferrers and its Ducal and Royal Castle and Park*, i. 21–5.

⁴ *C. P. R.* 1258–1266, 517–18 (Patent Roll, 50 Hen. III, m. 40, not m. 4, as Mr. Kerr reads).

⁵ Duchy of Lancaster Miscellaneous Books, xi. 44 b.

prison forced to execute deeds which bound him to pay Edmund the sum of 50,000*l.* for the redemption of his lands. The particular document against which he was later to appeal was a charter of 1 May 1269, reciting that Henry of Almain, William de Valence, John de Warenne, and a number of important barons had gone surety for him to Edmund for the payment of the 50,000*l.* on the 8th of July; that in the meantime the earl, having no other method of indemnifying the sureties, granted to them and their heirs the lands and properties which the king by letters patent of the same date as the Charter (1 May) now formally restored to him,¹ until full satisfaction was made; and that if he failed to pay the money by the appointed term the sureties could convey the lands and tenements to Edmund or his heirs or assigns, to be held until Robert or his heirs handed over the whole of the money in one payment (*simul et semel*).² Needless to say, Robert failed to raise the money, and the land³ was handed over by the bailsmen to Edmund.

In 1274 Robert tried to re-establish his position by pleading the *Dictum* against Edmund.⁴ He stated that he had frequently offered to redeem his lands at a seven years' valuation, but Edmund had refused to avail himself of the offer. Edmund in his reply simply pointed to the terms of the Charter of 1 May 1269; the 50,000*l.* had not been paid on the stipulated date and he was consequently free to keep the land which the bailsmen had conveyed to him. Robert then contended that when he put his seal to the deed he was a prisoner. Before making the deed he was in the king's prison at Windsor, but on 1 May he was taken out 'under good surety' to Chippenham,⁵ shown the deed and told to seal

¹ *C. P. R.* 1266-1272, 336.

² Close, 53 Hen. III, m. 7 d. A further charter granting that if at any time in future he rebelled against the king all his lands should fall in (*incurrantur*) to the king and his heirs was delivered to the keepers of the Wardrobe at Winchester on 10 June 1269, *custodiendam in garderoba Regis*. Ibid.

³ Except the castle and manor of Certeley (Chartley) in Staffordshire and the vill of Holbrook in Derbyshire.

⁴ The case is printed in Appendix X. It was heard before the famous Justice Ralph de Hengham.

⁵ Not Chippenham, as Mr. Kerr interprets.

it, which he did 'being a prisoner and fearing bodily violence'; he was then thrust back into custody, this time in Wallingford Castle, where he remained for three weeks till Edward came and delivered him. A deed made under those circumstances should not be to his prejudice. Edmund replied that the deed was acknowledged before the Chancellor, and enrolled word for word on the Chancellor's roll; Robert could not be a prisoner if he acknowledged the deed before the king or his representative the Chancellor or in a court of record. Robert met this by declaring that the deed was neither made nor enrolled under the circumstances alleged by Edmund. What really happened was that on the very day on which he sealed the deed at Cippenham the Chancellor came into the room where he lay in strict custody, showed him the deed and asked him if it was his own act and if he wished it to be enrolled in the Chancery roll; and being afraid that force might be applied to him he admitted it, but he surely could not be bound by a recognizance made in such an unorthodox fashion, for the Chancellor was far from the king's court, had no Chancery rolls nor clerk with him, and came to him alone just like a private individual, not as Chancellor (*non quasi Cancellarius set quasi privata persona de populo*). The forcible circumstances under which he had sealed and acknowledged the deed were well known to the king, by whose testimony in the matter he was ready to stand.

The court held that both the deed and the recognizance were valid; and the testimony of the king was not given, for the Crown refused to bear record of what was done in court in the time of its predecessor.¹ What had happened is quite plain. The Earl of Derby had been tricked and forced into giving the charter; impossible terms had been laid down for him, and the surrender of his lands had proceeded according to the plan of his enemies. But perhaps through the grossest legal irregularity a rough form of justice had been done to the man who broke his word so soon after he had given it.

It has been suggested that the great accession to the court *coram rege* of business connected with the rebellion, especially

¹ Coram Rege Roll II, m. 6.

the numerous cases of trespass and the proprietary actions under the writ *talem qualem*, resulted in the marking off of the court's sphere from that of the Council; that the civil war is in fact a turning point in the history of the King's Bench.¹ Now it is true that on the post-rebellion rolls very few cases are to be found that are not originated by writ of the Chancery; what Professor Baldwin has termed 'the comparatively free and unrestricted procedure of the old curia regis'² has for the most part been superseded by formulaic rigidity, and the rebellion has contributed its share of writs to that effect. But the term *King's Bench* for *coram rege* has been steadily avoided here because cases pass with comparative ease and without lack of continuity from *coram rege* to Council. The very close connexion between the two is easily explained by the fact that in these rolls it is the Council which is concerned with the questions of all types that arise out of royal grants of land. Robert de Brus in pleading his charter against Richard de Tany's is 'present from day to day' *coram domino rege et consilio suo* and by them is finally granted a hearing. Richard de Tany's charter is long debated *coram domino rege et consilio suo*.³ The pleadings in Wilburham and wife v. Appeltrefeld and wife are read 'before the lord king and his council' afforded by a considerable body of magnates, and judgement is given in this larger assembly, because the matter turns upon the point whether a royal grant made by the king between Lewes and Evesham can be upheld when the Council at Winchester has already decreed the nullity of such instruments.⁴ Now the post-rebellion period is one in which these grants are frequently coming up for consideration in one form or another, particularly after the administrative laxity of August–October 1265. The Council can never be far away. Nor has the court itself, at least for the first three years after Evesham, become sufficiently professionalized to do without the king. It follows him to Warwick, to Canterbury, to Northampton, wherever he may be. He may not attend the

¹ Baldwin, *The King's Council*, p. 63.

² *The King's Council*, p. 62.

³ Appendix VII.

⁴ Appendix VIII.

whole sitting, but like the Council he will no doubt be in the background. All the elements of differentiation may be present, but King's Bench and Council often remain complementary in the old synthesis of *coram rege*, and it would be a task of great difficulty to disentangle them at this time.

One might protract almost indefinitely the discussion of the procedure followed in these trials under our review; but the results of the inquiry should be by this time clear: that the hasty granting away of lands caused enormous complication; that the application of the *Dictum* was a lengthy matter which employed the activities of the judicature for a number of years; and that estates underwent the most extraordinary vicissitudes. From the legal aspect of the settlement and the study of procedure we must pass to the social discontent which that settlement attempted, not always with success, to allay. For this purpose we must go back to the rebellion itself and survey some of its most salient characteristics as revealed to us in the Plea Rolls and Inquisitions.

CHAPTER II

SOME CHARACTERISTICS OF THE REBELLION

IN the previous chapter an attempt was made to review the legal application of the *Dictum* by describing the scope and method of the work on which justices *de terris datis et occupatis* and the Curia Regis were engaged from 1267 to 1270. Such a survey must now yield to a more detailed consideration of the additions made by the Plea Rolls and inquests to our knowledge of the rising in its local aspects. It is desirable to gain some notion, however partial and imperfect, of the part played by humbler as well as by more important folk in the various localities for which record has survived.

At the outset it must be remarked that for the general history of the period the judicial records of 1265-1270 are neither so striking nor so dramatic as those used by the late M. André Réville in his brilliant work on the rising of 1381.¹ On the main issues there is little room for innovation or for revising the accounts given by Blaauw, Pauli, Prothero, or M. Bémont, or Professor Tout² and Dr. J. E. Lloyd³ who have written with special reference to Wales and the Marches. But the lack of material on the wider aspects of the disturbance is perhaps atoned for by the intimate and at times remarkable social pictures revealed in the Plea Rolls. The plan adopted in the present chapter has been to utilize these records to illustrate the régime of manorial spoliation which the disturbance unchained: the Inquisitions of 1265 to illustrate the seizing of and the subsequent holding the lands of rebels; and Exchequer material to illustrate certain aspects of war finance and the difficulties which faced the government of a discontented country in 1266 and 1267.

¹ *Le Soulèvement des Travailleurs d'Angleterre*, ed. C. Petit-Dutaillis.

² In *Wales and the March during the Barons' Wars*, Owens College Historical Essays, Manchester, 1907.

³ *A History of Wales*, ii. 729 et seq., which confirms the importance attached by Professor Tout to the defection of the Marcher Barons from de Montfort's side at Edward's instigation in 1263, and to the politics of the Welsh Marches in general.

i. *Manorial Spoliation.*

To glance back at earlier history, the only parallel to the disturbance is to be found in the civil war of Stephen's reign.¹ The excesses committed in the fen country by the followers of Geoffrey de Mandeville in 1143-1144, portrayed in the *Historia Eliensis*, bear some resemblance to those of John d'Eyville and his associates in Ely. There is the same régime of sieges, there are the same ruthless methods pursued by castellans—one may compare Philip Gay, Castellan of Bristol, with John FitzJohn at Windsor in 1264-1265—and the same suffering caused to non-combatants. But the territorial grouping of the royal and baronial parties is not nearly so clear as that of the supporters of Stephen and of the Empress, between 1138 and 1148. The evidence of the Inquisitions and the *terrae rebellium* document is not really conclusive for the period 1264-1265, and as regards the period after Evesham, when resistance cropped up at different points in the country, it is very difficult to find to what extent whole areas were affected.

In the last chapter something was said of the fate of the estates of rebels during the period immediately following Evesham. The other side of the picture is presented with considerable force and clarity by the loyal subjects who came into court to recover damages for attacks on their manors, or by local juries telling a tale of similar depredations. That, apart from the movements of the main opposing forces, the 'turbatio' took the form of attacks on manors and of raid and counter-raid by the garrisons of sternly defended centres is quite a normal and natural thing in medieval *guerra*.²

¹ Cf. H. W. C. Davis, 'The Anarchy in Stephen's reign', *E. H. R.* xviii. 630 et seq.

² In time of peace quite a usual way of taking revenge on an opponent was to come and cut down the trees in his wood or break open his grange and take the corn, after having maltreated his servants. Even a woman, Ida Beauchamp, had been known (in 1259) to ask her friends—perhaps her tenants—to sup with her at the house of her enemy, Simon de Pateshull, sheriff of Buckinghamshire, when he was away at the Easter 'view' in the Exchequer, and there to help herself to his goods. She and a number of others were charged with robbing Simon of two hundred pounds, his amercement rolls, and tallies. 'Et Galfridus et omnes alii

The first attacks were probably made by the rebels; for, if a plaintiff in Northamptonshire is to be trusted, the word had gone forth from the king that rebels might be freely attacked and plundered,¹ which seems to spell reprisals. It will be worth while to examine in some detail these attacks on loyalists and then, turning to the other side, we may follow at greater length than the foregoing sketch permitted the fate of their opponents' estates. One point must be borne continually in mind: a rebellion is a time in which grudges of all kinds are paid off. To see political significance of some kind in every act of robbery and violence would, of course, be absurd.

The first social feature of the rebellion which strikes one is the apparently thorough and systematic way in which the manors of prominent loyalists are pillaged by men of the neighbouring vills or townships of the localities in which they may lie. The attacks upon John of Gaunt's manors in the Peasants' Revolt offer a fair parallel; but the present disturbance is primarily a rising of freeholders rather than of villeins, though, as will be shown, villeins take part. One may instance the treatment accorded to Robert de Tateshale² senior, lately justice in Eyre for common pleas in Lincolnshire. In the counties of York, Nottingham, Leicester, Cambridge, Lincoln, Norfolk, and Essex his estates are pillaged. In Norfolk he sues a hundred and thirty persons, in Cambridgeshire ten, in Lincolnshire seventy-nine, in Leicestershire a group of five, in Essex forty-eight.³ The men he sues are not even always headed by their *capitalis dominus*; they are often a motley collection of villagers from the neighbourhood, vicars, parsons, bakers, dyers, smiths, not 'principal

veniunt et defendunt vim et iniuriam. Et bene cognoscunt quod ipsi predicto die venerunt ad predictum manerium simul cum predicta Ida, sed non vi et armis, immo ad instanciam ipsius Ide ad comedendum et bibendum cum ea.' The robbery evidently took place after dinner. C. R. R. 167, m. 13.

¹ A. R. 618, m. 8 d. 'licitum fuit omnibus de partibus domini Regis depredari omnes inimicos ipsius Regis'.

² This is the spelling usually adopted by the clerks in court for Tattershall.

³ C. R. R. 181, m. 9, m. 14.

plunderers' like Ralph Perot or William de Lay. If they do not appear, Robert next term tries his hand on others of the same neighbourhood.¹ The cases of Thomas de Audeham,² Eudo la Zuche,³ and John de Grey⁴ are very similar. Such attacks as these differ from the plundering of the aliens by baronial forces in 1264,⁵ for many of them seem to be purely the result of local initiative.

Of depredations upon the royal demesne there is very little record. The royal manor of Piddington in Oxfordshire was robbed by Richard de la Vache and his associates,⁶ but it was not de Montfort's policy to strip or confiscate a legitimate source of royal wealth or to prevent the king from living of his own. Beyond the mentions in Rishanger and other chroniclers only one attack on a manor of the queen appears to be recorded in the Plea Rolls, viz., at Wingrave, also in Buckinghamshire.⁷ But, needless to say, officials and 'special councillors' were marked down. In the analysis given above⁸ of the different types of cases which came before the justices, the losses suffered in a single hundred of Essex by the great John Mansel, wealthiest⁹ and most powerful of Henry III's confidential friends, were described. In the Essex hundreds of Bardstaple, Froswell, Tendring, and Bocking, his manors were systematically visited, again and again, by rebels who took away the stock and corn sometimes to neighbouring manors, sometimes to places unknown.¹⁰ A similar fate befell his estates in Surrey,¹¹ Hampshire,¹²

¹ Cf. A. R. 237, m. 4, where the names of men charged by Peter of Savoy with destroying his wood at Cheshunt are given. They are mostly drawn from the village of Hoddesden and include a forester, a fisherman, several potters, a vintner, and a miller.

² C. R. R. 181, m. 10 d., m. 13; no. 186, m. 17.

³ C. R. R. 186, m. 16; no. 189, m. 3.

⁴ C. R. R. 174, m. 12, 13 d.; A. R. 59, m. 6 d., m. 9 d., &c.

⁵ W. Rishanger, *Chron. de bellis*, p. 17, records the plundering of the queen and her alien relations.

⁶ A. R. 59, m. 6.

⁷ A. R. 59, m. 1, 15 d.

⁸ Chap. I, § 2.

⁹ His total annual income Matthew Paris estimated at four thousand marks, 'ita ut temporibus nostris non est visus clericus ad tantam opulentiam ascendisse'. *Chron. maj.* v. 355.

¹⁰ A. R. 247, m. 2, cf. Hunter, p. 114.

¹¹ A. R. 1207, m. 4 d.

¹² Hundred of Thorngate, *C. Inq. Misc.* i, no. 700.

and Suffolk.¹ Mansel's death in January 1265² was too good an event to be missed by the baronial party; but before that event his lands probably suffered considerable damage,³ quite apart from the treatment to which they must have been subjected when they were granted in their entirety to the younger Simon de Montfort while Mansel was away in France hiding from his opponents.⁴ As for John de Grey, it would be remembered by his opponents that he had been sheriff of Herefordshire⁵ and had commanded the royal forces in Wales in 1263.⁶ Quite naturally Peter of Savoy did not escape. In Sussex,⁷ and at Cheshunt⁸ on the Middlesex border, his estates were robbed. The king's brother Richard lost all his goods in Goswold in Suffolk, and stock and valuables at Eye in the same county.⁹ In Yorkshire the Justiciar Philip Basset was attacked and his men imprisoned till they bought their release.¹⁰ Walter de Merton, the Chancellor, suffered the loss of his manor of Kingston and

¹ *Ibid.*, no. 898.

² *Chron. Mailros*, p. 214.

³ 'Iuratores hundredi de Frosvelle dicunt per sacramentum suum . . . et postea venit Iohannes de Chaumville [Camvill] in autumpno proximo ante bellum et cum eo ipso Iohannes de Flaundres et alii cum eo et triturerunt bladum et vendiderunt carectario de comitatu Cantebrie et Sutfolchie, pretium bladi cs.' The autumn before the battle must be the autumn of 1264, if the battle is the battle of Evesham.

⁴ *C. P. R. 1258-1266*, 273 (1 August 1263); cf. *ibid.* 380 (8 February 1264). Henry repudiates this grant, and 381 (14 February) restores to him his Castle of Seggewyk, 'which on account of the late disturbance had in the realm the king caused to be taken into his hands; notwithstanding a grant thereof made by the great seal while the said seal was out of the king's hands during the disturbance'.

⁵ *C. P. R. 1258-1266*, 163 (9 July 1261). This is one of the series of appointments made when the king broke away from the baronial restrictions and put in the sheriff whom he wanted.

⁶ *Ann. Dunst.*, p. 223.

⁷ *A. R.* 1207, m. 2 d.

⁸ *C. R. R.* 174, m. 12; no. 177, m. 23.

⁹ *A. R.* 821, m. 2 d. 'Presentaverunt quod Robertus Carbunel una cum Roberto, Thoma, Wilhelmo Pecche, Ricardo de Kerebrok et Roberto Symuny et aliis ignotis venerunt apud Eye et ibi depredati fuerunt dominum Ricardum Regem Alemannie de blado et bonis suis et destruxerunt parcum, vivarium suum, et alia dampna sibi fecerunt ad valenciam c. marcarum. Et predictus Robertus Carbunel habet terram in Waldingfeld in hundredo de Badberwe. Presentaverunt quod Rogerus de Pivelsdone ex parte Comitis Leycestrie seysivit omnia bona Regis Alemannie in Gosewold, et boscum suum succidit et vendidit ad valenciam c. librarum.'

¹⁰ *C. R. R.* 186, m. 1 d. Possibly his connexion with his rebel brother Richard Basset absolved him from worse treatment.

damages to his estates at Credington and Farley.¹ Alan la Zuche, justice of the forests on this side Trent, complained that in May² 1264 his park in Wisseleye (Whistley), co. Northampton, was made the object of attacks on the part of several neighbouring townships.³ Alan was made sheriff of Northamptonshire in 1261 at the same time as John de Grey,⁴ when the king returned to the earlier pre-Provisions method of appointing to the shrievalty, and if he behaved in Northamptonshire in the arbitrary fashion in which he had behaved in Wales⁵ the opposition is quite intelligible. Similar, though rather more forcible, treatment befell John de Vallibus, sheriff of Norfolk and Suffolk, in 1263. Beasts on one of his Norfolk farms were captured, he himself was imprisoned at Norwich,⁶ and his Nottinghamshire manor of Muskhams was forcibly entered.⁷ John le Moyne, sheriff of Cambridge in

¹ Kingston, having been occupied by Peter de Montfort, was restored to him by a writ from Simon de Montfort. Total damages suffered by the manor were £83 5s. 10d. A. R. 1207, m. 5 d., m. 8 d.

² A. R. 618, m. 14 d.

³ Ibid., m. 5: 'Alanus la Souch per attornatum suum I. de Oxenden tulit breve domini Regis hic coram Iusticiariis ad inquirendum qui malefactores frugerunt sepes parci dicti Alani in Wisseleye. xii iuratores de Hundredo de Sutton dicunt super sacramentum suum quod unus monachus de Byttlesdene cuius nomen ignorant et frater Iohannes de la Sivereye de dicta Abbatia, omnes servientes Abbatis de Bittlesdene de grangia de Westcote et omnes homines de villa de Westcote, Robertus de Wancy de Astwell et tota villata de Astwell et de Francote exceptis Rad. de Wedon, Henricus de Aula de Siresham, et tota communitas de Syresham, Robert de Witfeud et tota communitas eiusdem ville excepto Petro de monte et Ricardo decano de eadem et exceptis hominibus Prioris de Brakele in eadem villa, et Robertus de Wyvile ballivus de Radeston et tota communitas eiusdem ville . . .' Radstone belonged to the Countess of Albemarle. Its plea in defence is given later, m. 14 d. The mention of *tota villata*, *tota communitas* is interesting and important, especially as this is only one of several instances of such collective action. In addition to the instances given below, the Hospitallers at Norwich are attacked by 'a very great multitude of the community of the town of Norwich and robbed of various goods': C. R. R. 181, m. 21.

⁴ In Herefordshire: P. R. O. *Lists and Indexes*, ix. 92.

⁵ For complaints about his conduct in Cheshire, cf. *Abbreviatio Placitorum*, p. 142 (1254), where he refuses to uphold a grant of Earl Ranulph of Chester enrolled in Domesday Book on the ground that Earl Ranulph was so powerful that he could enroll what he liked in Domesday Book when it was in his possession. The king sent down a writ telling him to exhibit 'plenam et celerem iustitiam' to the parties, as many complaints were reaching him about the case. Also *C. P. R. 1247-1258*, 171.

⁶ C. R. R. 174, m. 6 d.

⁷ Ibid., m. 20.

1253 and again directly after Evesham, suffered depredation on his Cambridgeshire estate,¹ and on his Surrey manors of Southwark, Mickleham, and Carshalton; at the latter place the young Simon de Montfort actually forced his way into his court: while at Southwark John claims 200 marks in damages.² Hugh de Akouer, sheriff of Staffordshire in 1255, is attacked by James de Audley.³ The lands of justices known to support the king's interest were not forgotten. The manors of Robert de Brus in Norfolk, Somerset, and Dorset,⁴ of William of St. Omer in Wiltshire,⁵ of Nicholas de Yattendon in Kent and Sussex⁶ and in Berkshire,⁷ all lost heavily.

One may conjecture that the bulk of these raids took place in 1263 and 1264. In the *coram rege* cases, however, where dates are given instead of the vague '*tempore turbationis*'—our only usual indication, 'anno xlix', occurs almost as frequently as xlvi, and the first half of the year is the most usual time. This seems to show that between Lewes and Evesham grudges are being paid off in parts of England other than the Marches, and that, notwithstanding the statement of the prior of Lewes made before the king in 1268 that sheriffs, justiciars, and other royal officers throughout the whole of England 'were holding pleas as they always did and performed all

¹ C. P. R. 1258-1266, 287, 9 May 1263: appointment of justices to inquire who entered the lands of John le Moine in the county of Cambridge and assaulted and beat his servants.

² A. R. 1207, m. 4. The entry of John's court arises from the conduct of his bailiff. 'Dicunt enim [jurors of Wal[ling]ton asked about the damages John has received] super sacramentum suum quod predictus Thomas de Marinis distrinxit Iohannem de hale in Kershaunton per quendam equum pro quodam redditu qui domino suo retro fuit et equum illum retinuit quousque Simon de Monte forti cum sequela sua transivit per mediam villam illam, et etiam predictus Symo et quidam alii per clamorem uxoris predicti Iohannis de la hale curiam predicti Iohannis le Moine intraverunt et equam quam ballivus distrinxerat pro predicto redditu deliberaverunt, et quendam equum predicti Iohannis le Moine pretii xx sol. abduxerunt, et ballivus suus a manibus eorum vix evasit.'

³ C. R. R. 174, m. 6. This attack may, of course, be dated some time after Audley went over to Edward's side towards the end of 1263. '*Tempore turbationis*' is all the dating that the roll gives.

⁴ C. R. R. 186, m. 16, 17 d.

⁵ Ibid., m. 16 d,

⁶ A. R. 1207, m. 3.

⁷ A. R. 42, m. 2 d. (hundred of Lambourn).

other things that pertain to the peace',¹ there was a good deal of disorder.

Now local unpopularity may account for many of these attacks; but it does not explain the simultaneous or practically simultaneous assaults in different and widely separated parts of England upon the manors of men like the elder Tateshale or John de Grey. The most likely explanation is that there was considerable organization on de Montfort's side, emissaries, perhaps, passing to and fro throughout the country encouraging both communities and individuals to attack the estates of loyalists; perhaps even mysterious letters such as passed in 1381. Men are presented for preaching against the king² and for being *procuratores* for de Montfort.³ In the Stow hundred of Cambridgeshire there are men who, when taxed by the justices, plead the threats of the Montfortian emissaries William of Leicester and Henry de Hastings, the latter '*veniens in partes illas*'.⁴ In the hundred of Stoke in Buckinghamshire a certain Simon Russell is arraigned for acting as constable in his district in time of the disturbance, 'keeping watches by day and by night against the peace'.⁵ Simon seems to have been appointed by de Montfort in the same way as the more prominent William Marshal at Leicester who was 'guardian of the peace by the authority of Simon de Montfort'.⁶ There certainly must have been Montfortian officials specially appointed to collect the contributions which were levied in the counties. One plaintiff before the king refers to the collection of the *subsidium* in the following terms. 'Richard de Tany'⁷ came with letters of Hugh le

¹ *Abbreviatio Placitorum*, p. 172 a. This is borne out by the Inquisitions taken before the barons of the Exchequer in 1269, pp. 264-271, and by references in the Chancery documents.

² A. R. 618, m. 22 d.: 'Rogerius Sparewe capellanus de Hemmington attachiatus per xii iur' de Pollebroch qui venit et iusticiarii imponunt ei quod puppice predicavit de Simone comite Leycestrie contra dominum Regem.'

³ A. R. 59, m. 6 d.: 'Magna duodena dicit quod fuit procurator et attrahendo (*sic*) parti comitis Leycestrie.' A. R. 618, m. 12.

⁴ A. R. 83, m. 15 d.

⁵ A. R. 59, m. 17 d.

⁶ A. R. 618, m. 4: 'Dictus Henricus venit et dicit quod ante captionem Northamptonie extitit cum domino Willelmo Marescallo custode pacis per dominum Simonem de Monteforti.'

⁷ This is Richard de Tany senior, who was sheriff of Essex and Hertford in 1259 (P. R. O. *Lists and Indexes*, ix. 43).

Dispenser, then Justiciar of England, and asked for an aid from the whole county for the use of Simon de Montfort; if he (plaintiff) refused to give it, Richard said he would seize all his goods. And the men of the said hundred sent on their behalf seven men with the bailiff of the hundred to make a fine for their whole hundred, and it so happened that Luke¹ was one of them on account of the threats of Richard de Tany and for fear lest he should lose his goods. And they made a fine for the whole hundred in ten marks that they should remain in peace, and paid five marks of it; so that the said Luke like the other men of the hundred paid his share.'²

Apart from the collectors of the subsidy there are several mentions of men who are described as 'cursores'; men who 'ran' or were 'out' against the king. Sir Brian de Gouiz is described as one *qui currit per comitatum Somersete per dominum Simonem comitem Leycestrie eo quod fecit eum militem*. The meaning is not altogether clear: but it may be that Simon de Montfort made Sir Brian his knight, i.e. attached him to his staff and made him his agent or 'runner'.³ The one other mention is of Sir Hugh Peverel in Wiltshire (hundred of Domerham) who 'was in distant parts and was active (*currebat*) there, but whether against the king or not the jury are not sure'. It is extremely tempting to give *currere* its literal meaning and to assume that these men are 'runners' for de Montfort, going round throughout the counties and raising help for the baronial party.⁴

The primary agents by whom the countryside was roused seem to have been de Montfort's own bailiffs and stewards. That is why little mercy is shown to them by the justices, in spite of their pleading in defence their master's commands. William Stokes in the Aylesbury hundred of Buckinghamshire pleads that for sixteen years before the war he was in the

¹ The plaintiff, Luke de Albiniaco.

² C. R. R. 175, m. 18; cf. A. R. 618, m. 2: 'Willelmus de Whelton . . . levare fecit denarios in hundredo predicto' (Newbottle, Northants).

³ Brian de Gouiz was in London with the Earl of Gloucester in 1267: J. M. Rigg, *Calendar of the Plea Rolls of the Jewish Exchequer*, p. 139. Described as 'bachelor of the Earl of Gloucester'; cf. p. 129.

⁴ *C. Inq. Misc.* i. nos. 859, 866, 871 (Somerset), 932 (Wilts.).

service of the earl, and by the earl's side (*cum comite*), and that he held of the fief of Leicester; by command of the earl he went to Eselbur' (Ellesborough), to the land of Richard de Seyton (a prominent justice, who held with the king), and 'there exacted a certain rent, but took nought of the same for his own, and did no deed of hostility'. He asked for an inquiry, but the justices cut the proceedings short: *Et quia cognovit ipsum fuisse Ballivum et ministrum comitis ideo expectet iudicium*.¹ The men of Hungerford, although they plead that they were forced by the garrison of Wallingford Castle to join in the attack on Marlborough Castle, but took no active part in the assault, are put in mercy because they are de Montfort's men.² When men were urgently needed de Montfort's bailiffs appear to have had few scruples. One, Thomas de Hegham, living at Hiddingburn in Kent, who sued a number of men for robbery and against whom it was objected in reply that he aided the king's enemies at the siege of Rochester Castle, was, according to a local jury, 'attached' together with his neighbours to go in his own person to the siege; 'for which reason the said Simon came into the neighbourhood of Rochester, and as he went on his way made fine with the said bailiffs for two tuns of wine that he should not approach the said castle, and that he might be free to return without gainsaying to his home'.³ He was not *districtus*, say the jury, he was *attachiatus*. The bailiffs attached him, though he was no tenant or man of de Montfort's; but they must have thought the wine of more value than his services. In Berkshire the jury of Ocke use an expression, striking enough, even though it may be an exaggeration. They say that William le Chamberlayn 'drove the whole countryside (*fugavit*) to the house of his lord, the Earl de Ferrers'.⁴ This is a clear instance of impressment, and it is paralleled by the activities of William de Lay in

¹ A. R. 59, m. 16.

² A. R. 42, m. 3.

³ C. R. R. 193, m. 6; cf. A. R. 618, m. 7. The barons force men to go to the siege of Fotheringhay Castle, *C. Ing. Misc.* i. no. 390.

⁴ A. R. 42, m. 7 d.

Buckinghamshire,¹ and of the defenders of Ely who swooped down upon the miserable villages of the eastern counties and took prisoners away into the island.² The villagers of Northamptonshire might tell a similar tale of William le Marshal in 1263. In his capacity as guardian of the peace he procured men for the garrison of Northampton by the device of sending out summonses to the townships to come to Northampton 'to hear the king's command'; the people who came were then seized upon and forced to help in the defence.³ How very difficult it must have been to avoid being pressed into the service of one side or the other, in fact what an extremely poor time the neutral had, is admirably illustrated by a case from Buckinghamshire heard under the terms of the *Dictum*, in order to decide how much redemption-money a certain Stephen de la Haye was to pay to Engelard de Cigogné and John de Bradmere to whom it had been formally 'assigned'. Engelard and John, in order to get as big a re-purchase as they could, painted a black picture of Stephen's misdeeds during the disturbance. They charged him with being in Northampton on the side of the rebels; with acting as 'constable for conducting men to the coast' (to repel invasion); with securing helpers for de Montfort; and with receiving Ralph Perot, a prominent rebel, and other robbers. Here are the accounts of Stephen and of the jury.

'And the said Stephen comes and defends force, injury, enmity of all kinds and whatever is against the peace. And he says that in reality he came from the north to collect a certain rent which the king had given him, and he wished to pass through the town of Northampton, and certain of the enemies of the king in that town came and caught him and detained him there, and on the following Sunday when the king came to attack the town Stephen passed over (*transiuit*) the wall of the town and came to the lord king. And that he

¹ He threatened to hang a certain Walter de Burgh at his own door, and burn down his house, if he did not help him to pillage John de Grey's manors, A. R. 59, m. 19.

² A. R. 821, m. 1, m. 1 d.; no. 42, m. 4. There are a number of such cases in Buckinghamshire, and a great many in Cambridgeshire, where capture by the men of Ely is put forward as a plausible excuse for being on the side of the rebels.

³ A. R. 618, m. 2.

came in no other wise to the place nor did any act of hostility there he asks that inquest be made by the *patria*. He says moreover that he was never constable for bringing men to defend the coast, nor did he receive Ralph Perot (for at the time he was with Elias de Tingewyk) nor other malefactors who plundered Richard Grusset, nor did he do any other deed of despite; but that if any malefactors were received there it was not by his knowing. And on this matter he puts himself on the inquest.'

The verdict of the jury almost confirms :

'And twelve Jurors elected from Buckinghamshire, to wit [names follow], say on their oath that the said Stephen came from the North about his rent, and knew that the enemies of the lord king were in Northampton, and entered the town unarmed on the Friday before the capture of the town, thinking to cross it on his way. And when he entered in he was arrested by the said enemies, so that he could not get out, and on the next day the king came to capture the town, and Stephen, leaving his baggage behind, went forth with his horse by a postern, swimming across the water to the king's side. They say moreover that he never robbed Richard Grusset, because at the time when Ralph de Horset and other malefactors robbed him Stephen was in Kent, and that he never received Ralph Perot or any other enemies of the king, for at the time he was with Elias de Tingewyk on the king's behalf, wherefore, if any were received there, it was during his absence and against his will and not to his knowledge. Nor was he constable at the sea; he was there at that time by the mandate of the king, as all others of the county were.'

But Stephen was not to escape, though the judgement on him cannot be considered severe :

'And because Stephen knew before he came to the town that the enemies of the lord king were in the town of Northampton, and entered in securely unto them when he could easily have returned and joined the king's party that was a short way off from the town, judgement is that he shall redeem his land towards Engelard and John at one year's rate according to the Dictum.'¹

The part played by the garrisons of castles in these attacks on manors is, as might be expected, a considerable one. Berkshire and South Buckinghamshire seem to have suffered

¹ A. R. 59, m. 3.

greatly from the defenders of Wallingford and Windsor, the former commanded at the period by Richard de Havering, the latter by John FitzJohn. The number of *emptions de roberia* is striking in both castle towns,¹ and suggests that the rebels made money by the sale of plunder, or else, which is less likely, that the townsfolk robbed to sell to the castle. The way in which the garrison of Windsor was recruited is interesting. Over and above the regular contributions of men from larger tenants like the abbot of Abingdon, men were demanded for garrison duty from neighbouring vills, who thereupon elected certain persons to go on the unenviable task. The defendants who are charged with being in the castle shall tell their tale. 'When Drew de Barentin was keeper of the castle he called together the vills of Bray and Cookham and asked for six men from each vill to garrison the castle at the vills' expense for forty days. John and the others (defendants) were elected by the vill of Cookham to go, and so they went and dwelt in the castle against their will. And when John FitzJohn took over the castle he made inquisition like the said Drew and took the said John and others at the cost of the vill by distraint and severe threats.'² John FitzJohn takes a leaf out of Drew's book and continues his method of recruitment; but we may presume that these villagers of Cookham spent more than forty days within the castle. In virtue of letters patent issued to him in September 1264 allowing him to 'munition' the castle, just like Hugh le Despenser at Oxford,³ John FitzJohn would probably have justified his action. It does not appear that all the defenders went unwillingly. Of one man the jurors of Charlton hundred in Berkshire say that 'he was with arms within that castle for pay just like the other members of the garrison; not forced, but of his own free will.'⁴ To help with the

¹ A. R. 42, m. 12, m. 14 d. Men come of their own free will and 'recognize' (cognoverunt) that they have bought stolen goods at Windsor, m. 15 d.

² A. R. 42, m. 16 d.: 'Et quia predicti Iohannes et alii, excepto dicto Iohanne de Mora, fuerunt in dicto castro, licet inviti, per tempus Iohannis filii Iohannis, in respectum quousque Iusticiarii consulerint super hoc consilium domini regis.'

³ C. P. R. 1258-1266, 346 (4 September 1264).

⁴ A. R. 42, m. 5.

payment of this *stipendium* FitzJohn appears to have taken the proceeds of justice in courts which did not belong to him, as at Wendover,¹ which belonged to the king. The defenders of the garrison were not particularly scrupulous in their methods. A statement is made in court during one case to the effect that a certain John Pollard of his own free will made over (*mancipaverat*) all his goods to John of St. Helena, who was with John FitzJohn within the castle, and made out a charter of conveyance to that effect; the justices, becoming suspicious, ordered the arrest of Pollard for such an act of hostility to the king, and the man, when examined, admitted that one of the defenders of the castle brought an unsigned charter making the transfer binding and compelled him against his will to sign it, and then took him off to the castle and imprisoned him there.² Of the exploits of the Wallingford garrison there is less information. We see Richard de Havering, their constable, burning several houses in Barefield because, in an attempt to levy the tithes which belonged to the prioress of Goring, his men came up against the opposition of the local rector and in a scuffle some were wounded;³ and we see some of his garrison 'driving' before them men of Kennetbury and Hungerford to assault Marlborough Castle.⁴

¹ A. R. 59, m. 17: 'Et predicta (villata de Wendoure) defendit et dicit quod cum Iohannes filius Iohannis habuit in manu sua villatam predictam idem Iohannes et Ballivi sui ceperunt ameriamenta curie et placita et auxilia per vim et districtionem contra voluntatem, quibus resistere non potuerunt.'

² A. R. 42, m. 15: 'Venit quidam Adam de Mephram qui fuit de castro de Wundesor' contra dominum regem et cartam quandam vacuam obligatoriam secum portavit et compulit ipsum iam' dictam cartam consignare et ipsum postea . . . ad castrum duxit et imprisonavit . . . Et xii iuratores de Wundes' dicunt . . . quod predictus J. pollard cartam predictam non sponte sed compulsus signavit nec aliquo modo contra dominum regem fuit.'

³ The grievance was a typically long-standing one. The prioress of Goring was presented for robbing the rector and burning his houses. The Jury said that Richard, 'constabularius castri de Walingeford de cuius patronatu dicta priorissa est', upon representations from the prioress about the rector's conduct, 'cum multitudine virorum, non tamen ad procuracionem Priorisse, apud Berwefeld accessit, ut rescussum faceret de illis decimis. Et quia quidam ex parte predicti Ricardi erant ibi vulnerati dictus Ricardus ex hoc commotus tres domos predicti Rectoris comburere fecit'.

⁴ A. R. 42, m. 3: 'similiter respondent homines de Kentebur' quod cum aliis de Hungerford erant ibidem adducti et illi similiter fuerunt cum eis fugati'.

Richard also appears to have been temporarily keeper of Odiham Castle in Hampshire where he attempted the common game of kidnapping to recruit the garrison.¹

The tactics of the defenders of Ely—the rebel base camp for East Anglia after the *Dictum de Kenilworth*—are strikingly illustrated by the Cambridgeshire Assize Roll. Several chroniclers comment upon the way in which the place was provisioned by means of raids on the neighbouring counties, and it is well known that one of the reasons why the place put up such a good defence was that Gilbert de Clare had made a secret compact with its defenders, after assuring the king that he would help in the reduction of the island.² We are now able to watch a little more closely the tactics of the defenders, particularly in their dealings with Cambridge itself.³ Before the baronial leaders entered the island, upon the first arrival of Ralph Perot and John d'Eyville in the neighbourhood, the burgesses went out to meet them and paid a fine of ten pounds for the town 'and the Jews paid a fine of ten pounds for themselves'. Later the rebels threatened to burn the town unless it paid a fine of three hundred marks. The money was delivered by the agency of the Dominicans and Franciscans, one hundred marks being paid in kind. The pillaging of the Jewry at Cambridge⁴ probably yielded lucrative results, and with the money thus gained the defenders of Ely were able, we may conjecture, to buy in the town a certain proportion of the food which they needed. 'They bought there corn and other necessities and they (the Town Jury) say that in very truth the whole province sold the rebels necessities of life which they took

¹ A. R. 42, m. 3. Richard de Walton is 'presented' for being 'in garnestura de Odiham'. 'Et predictus Ricardus dicit . . . quod ad dictum castrum venit per missionem Ricardi de Havering ut secum loqueretur et cum ibi fuit ingressus ipsum vi detinuit per quindenam invitum quousque noctanter evasit.'

² Cf. Add. MSS. 5444, f. 79 d.

³ A. R. 83, mm. 23, 24. Printed in Appendix X.

⁴ As elsewhere, the terrified condition of the Jews during the rebellion, both through anticipation of, and subjection to, gross ill-treatment in London, York, and elsewhere, is well illustrated by Jewish Plea Rolls in J. M. Rigg, *Calendar of the Plea Rolls of the Exchequer of the Jews*, pp. 133, 139, 146. There is a striking case of the stealing of the king's Chirograph chest at Canterbury, p. 188.

back to the island.' The hundreds of the county, specially questioned on this very point, alleged in defence that whatever corn was got from Cambridge was seized and taken away *by force*. The burgesses, they said, had been accused of selling their corn to the garrison of Ely; what really happened was that when the country people came to Cambridge to sell their corn the islanders swooped down and took it away.¹ It is quite evident from the pleas printed below that the townspeople were terrorized and could offer no effective opposition to the determined rebels. The plundering raids of the Pecché family,² &c., of Eyvill and Perot, cannot be passed over; and, while the defenders of the island must have stolen what they could not buy, they undoubtedly bought what they could not steal.

The evidence of the Suffolk hundreds points towards this conclusion. In the hundreds of Blything and Wangford, which belonged to the king,³ the first criminal charge, as distinct from presentation of *terrae datae*, is that of a man who was an agent and helper in the exploits of the robbers, 'leading them by night to rob the neighbourhood', the next is of a raid on a certain Richard de Bosco, organized (*ex precepto et missione*) by Robert d'Eyvill, brother and colleague of the notorious John d'Eyvill and associated with him in Ely. Besides carrying off a very interesting collection of household effects, Robert's party took the unfortunate Richard off into a neighbouring wood, kept him bound there for a whole day (which, presumably, they spent in his house), and maltreated him in various ways till he paid a fine of sixty marks to get free.⁴ One of the party is Hugh Bussey,⁵

¹ Appendix X.

² For activities of Hugo Pecché, A. R. 237, m. 1; no. 821, m. 1 d.; Robert Pecché, *ibid.*, 821, m. 1 d.; Ralph Perot, no. 237, m. 2.

³ D. B. 282. *R. H.* ii. 147: 'Dicunt quod hundredum de Blithyng est in manu domini Regis et fuit antiqua firma eiusdem per annum xx lib. et modo dimittitur per annum pro xxx et vi lib.' Cf. *C. Inq. Misc.* i, no. 325, where the king inquires the value of the hundreds of B. and W., which is given at 15 pounds, 'for which the farmers could answer if it was let to farm; for what the sheriffs have answered the jury cannot say'.

⁴ A. R. 821, m. 5 d.; Hunter, p. 229. See the Calendar of Presentments for Suffolk, p. 14.

⁵ 'Sir Hugh de Bussey' appears in the Inquest of 1265 as a rebel with lands in the hundred of Newark. *C. Inq. Misc.* i, no. 851.

who has two further robberies to his credit, which seem to have been committed earlier in the disturbance.¹ To the merchants in Ipswich the defenders of Ely paid considerable attention. The jurors of Ipswich tell an entertaining story of two merchants, evidently rivals, the one Andrew Gurel, in alliance with the defenders of Ely, the other Harvey Felden, loyal to the king.²

'They say upon their oath that, when the king sent word to the said township and community of Ipswich to go armed in full force to the island of Ely to attack it with other faithful men of the king, they sent by sea two hundred men armed, who, before they arrived at the island, plighted their troth to one another that no one of them should desert his fellow; and when they made the attack one of their comrades, Harvey Felden, was recognized in that assault by the islanders, wherefore, when after that fight Harvey came to the neighbourhood of Royston to sell his merchandise, the said robbers from the island laid wait for him and tracking him down caught him and took him into the island of Ely; and Andrew Gurel kept him in prison then and afterwards took him to St. Edmunds as his prisoner. Afterwards the said Andrew came into the district of Ipswich, and Harvey Felden's friends³ and partners seeing him caught him and put him into Roger del Punt's boat and kept him in it and took him by sea along the coast to Cranwich wood and there grievously threatened to drown him unless he released Harvey their friend and partner, whereupon Gurel immediately sent letters to his wife who dwelt at St. Edmunds and to other of his friends there telling them as they loved their lives to send the said Harvey with all speed to Ipswich; who by permission of the said wife of Andrew came thither.'

¹ 'Presentaverunt quod Hugo de Bussei cuius terra in com' Norff' in Sutwod in hundredo de Walesham *et alii* cito post bellum de Evesham venerunt noctanter ad domum Willelmi de bleis [*sic*] in Walpol et ipsum depredati fuerunt de xi bobus v iuencis et bovettis equis denariis et aliis bonis suis ad valenciam c. marcarum. Item hugo bussei una cum aliis depredavit magistrum Robertum de Well capellanum de Blicheburg et Everardum filium eius de ii equis . . .' The date of the raid on de Bosco's manor is 1267. To make quite clear the influence of the Ely raiders on the surrounding country, it is only necessary to examine the cases in a single Cambridge hundred, e. g. Wetherley, A. R. 83, m. 19.

² A. R. 821, m. 1. Printed in full in Hunter, pp. 213-14.

³ 'Illi qui confederati erant cum Herveio' may mean Harvey's commercial partners; but cf. *supra* the phrase 'se adinvicem per fidei dacionem confederaverunt quod nullus eorum alium desereret'.

The defenders of Ely probably got more out of Peter Beraud, the wealthy merchant of Cahors, when they attacked him at Lincoln,¹ than they extracted from Harvey Felden.

The large number of *emptions de roberia* in Cambridgeshire and Suffolk points to a régime of manorial spoliation on a very large scale. Attached to one membrane of the Cambridgeshire roll is a special schedule of *emptores*, who include the priors of Barnwell, Anglesea, Stoke, and Colne, and the abbot of St. Edmund.² *Emptio bladi* or *emptio instauri* seems to have been sternly regarded by the justices, for the value of the man's goods is always stated and in some cases the man's land is seized into the king's hands.³ Here is the sale of the parson of Palgrave's goods:

'They present that Simon de Houton who has land in Wortham, worth 3s. and 6d. annually, bought from the robbery two and a half quarters of grain, price 6s. and 8d., from the corn stolen from the parson of Palgrave. Henry the Chaplain of Wortham bought from the same stock six shillings' worth, Ralph Wallot, whose chattels are worth 20s., half a mark's worth, William Bishop, whose chattels are worth 1 mark, bought of forage and straw half a mark's worth . . . the said Simon did not appear and the sheriff testifies that he took his land into the king's hand by view of Edmund le Hayward and William Bishop. Therefore the sheriff is commanded etc. And the said Henry the Chaplain comes and says that he bought no corn and puts himself upon the country, and the jurors say on their oath that he did buy the said corn. Therefore he shall sing sixty masses for the king and queen and their children.'

Where anarchy reigns it is obviously impossible to maintain that robberies are carried out by one side alone—in this case by the followers of de Montfort. One can only draw attention to the fact of widespread depredations, to which these *emptions de roberia* point.

ii. *The Seizing of the Lands.*

In the previous chapter mention was made of the vicissitudes which estates in the county of Essex underwent from

¹ C. R. R. 186, m. 18 d.

² A. R. 83, m. 15 d., m. 28.

³ A. R. 821, m. 2 (Hundred of Hartismere, Suffolk); Hunter, p. 222.

1264 to 1267. It is for Essex that we possess the fullest information, for the presentments in the Assize Roll supplement and carry on till 1268 the history of the lands both of the loyalists and of rebels. We can trace on the one hand the fortunes of John Mansel's estates, on the other the fate of manors like Sir Ralph Gernun's¹ at Wisermundford (Wormingford) and Estorp (Easthorpe) and Briche (Birch). Here is the first information about Gernun's estates given to the *collectores* in 1265:

'Sir Ralph Gernun's manor of Estorp and Brich was seized into the hand of Sir Thomas de Clare, who restored it to Sir Ralph on Thursday after the Nativity of the Virgin Mary (Sept. 9). Sir Ralph received the Michaelmas rents, amounting to 2½ marks. Keepers of the manor for the king—Peter Joye and Roger le Boner. Sir Ralph's manor of la Gernunere was seized by the same Sir Thomas who restored it to Sir Ralph on the same Thursday. Sir Ralph received the Michaelmas rents amounting to 20s. Keepers of the manor for the king—Nicholas Ketel and Richard de Gardino.'²

Thomas de Clare had given the property back again to Gernun; but the collectors would not allow it, and, having seized the manors into the king's hands, appointed guardians to look after him. Here is the continuation of the story:

'They (the hundred jury of Lexden) further present that Thomas de Clare soon after the battle of Evesham seized the lands of Ralph Gernun in Wiyermundfort (Wormingford) and Estorpbliche and afterwards gave back that land to the said Ralph, and Ralph took at the Michaelmas following 2 marks in rents from Wiremundford, and from Esthorp and Briche xxs. Afterwards the king gave that land to Hugh le Bigot and the said Ralph redeemed his land from Roger son of Hugh and has it again.'³

The grant to Bigod is not mentioned in Patent or Charter Rolls; and it is possible that he was merely granted the

¹ Ralph Gernun, who held three fees in the honour of Boulogne (*Book of Fees*, i. 485), is described as 'the king's enemy' in letters patent granting his manor of Banewell to Eleanor, Edward's wife, for life. *C. P. R.* 1258-1266, p. 466.

² *C. Inq. Misc.*, no. 667 (Hundred of Lexden). For the Gernun holdings in this hundred see Morant, *History of Essex* (1768), ii. 159, 179.

³ A. R. 237, m. 7: Hunter, p. 141.

'redemption' as if the land were his. The point to notice, however, is the change of hands—Ralph de Clare, Ralph, the 'keeper of the manor', Hugh Bigod, his son Roger, Ralph again.

Inquest returns, records of grants like the *Terrae rebellium*, and presentations before the justices enable us to reconstruct a similar story of change in other counties. The stages from 1264 and 1268 seem to have been these:

a. If the manor or land of a loyal subject,

1. Pillage or seizure by de Montfort, the Earl of Gloucester (while still on de Montfort's side), or some prominent member of the baronial party between the battles of Lewes and Evesham.¹
2. The loyal subject regains either by occupying it himself, after Evesham², or by action for recovery.

b. If the manor or land of a rebel,

1. Immediately after Evesham, seizure by Edward, the Earl of Gloucester or some other prominent loyalist like Roger de Leyburn or John de Warenne, who
2. may *either* surrender it to the king in compliance with his order, when the *collectores* come round; *or* resist and refuse to let the extent of the manor be taken by local jurors and to surrender it into the king's hand;
or give it back to its former rebel owner.
3. If surrendered, the king grants it away. Later, after the *Dictum*,
4. The rebel redeems it at the rate legally determined.

Under (b) numerous examples of each could be given, and there are cases of all four successive stages occurring together. For example, in the Northamptonshire hundred of

¹ e.g. *C. Inq. Misc.*, i, nos. 311, 739, 820.

² e.g. *C. P. R.* 1258-1266, 449 (Richard of Almain, 9 Sept. 1265); Peter of Savoy recovered 'by counsel of the magnates of the Council', *ibid.*, 450.

Rothwell, Nicholas le Archer, who was steward of the abbot of Peterborough and a supporter of the young Simon de Montfort, held the manor of Sibertoft. This, after Evesham, was seized by the earl of Gloucester.¹ By him it was given back to the king, who granted it to Hugh de Burgway; finally Nicholas le Archer bought it back from Hugh.² In Suffolk, Giles de Argentem's manor of Halesworth was seized after Evesham by John de Vallibus, who received the Michaelmas rents.³ By him it was restored to the king, and the king gave it to Geoffrey of Lusignan.⁴ Giles bought it back again from Geoffrey for £80.⁵ It is unfortunate that rentals or court rolls of such manors as these do not appear to have survived for this period.

The reader of the inquisitions printed in the *Calendar* cannot help being struck by the activities of the bailiffs of Gilbert de Clare and other prominent loyalists immediately after Evesham. The wide extent of the de Clare lands revealed in the inquest taken upon Richard de Clare's death in 1262⁶ shows what a network of officials his son must have had at his disposal. An entry in the Buckinghamshire Assize Roll displays the earl two days after Evesham instructing his tenants by his letters patent to help his officers in their work of seizing into his hands 'the lands of our enemies'.⁷ Those officers are everywhere, and they pounce quickly. Shutford manor in the Oxfordshire hundred of Banbury was occupied the day after the battle,⁸ and the phrases 'immediately after the battle of Evesham', 'shortly after Evesham,' are frequently used by local jurors when testifying to their work. The returns of the juries do not always give the exact day of the seizures, but the returns for Kent make frequent mention of St. Lawrence's day,

¹ *C. Inq. Misc.* i, no. 844.

² A. R. 618, m. 21 d.; cf. m. 17, where Nicholas 'redeems' the land of one of his tenants.

³ *C. Inq. Misc.* i, no. 883.

⁴ *Terrae Rebellionum* in Hunter, p. 249.

⁵ A. R. 821, m. 5 d.; Hunter, p. 228 (Hundred of Blything).

⁶ *Calendar of Inquisitions, Henry III*, no. 530.

⁷ A. R. 59, m. 8. See specimens printed in Appendix XI.

⁸ *C. Inq. Misc.* i, no. 852.

10 August,¹ and in Nottinghamshire most of the seizures and even the re-granting was over and done with by 14 September.²

The inquisitions throw a certain amount of light on the methods adopted. Certain manors seem to have been the objects of keen competition. In the hundred of Longbridge in Suffolk William Marmiun's manor of Berewik underwent several occupations.

'The first seisin was made in the early morning of St. Lawrence's day by the men of Sir William de Say (formerly a supporter of de Montfort) to the use of the earl of Gloucester and nothing was taken away. Afterwards on the same day came Sir William Maufe with many men and forcibly ejected a man who was staying there on behalf of the said William de Say and seized the manor to the use of Sir John, Earl of Warenne, whose men took the crops therefrom. After this the Earl of Gloucester's men returned and are still there and keep the manor with the earl of Warenne's men.

Of John de la Hay's manor of Midleton the Earl of Gloucester first had seisin of two parts. Afterwards came Sir William de Rosseham and seized the said two parts and still holds them.'³

Here competition ended in dyarchy. In another case the Earl of Gloucester retired; Thomas de Quarines's manor of Blackmanstone in Kent was seized after Evesham by Guncelin de Badelesmere, 'who kept it for eight days and more, after which came the earl of Gloucester's men and took simple seisin of it (*simpliciter seysierunt*) to the use of their lord, but took nothing therefrom. Afterwards Guncelin, having seisin (*usus seisina sua*), restored the manor to Thomas de Quarines.'⁴ But in most localities the earl was more successful and tenacious, and the *collectores* had to treat him with respect. In his own honour of Gloucester, needless to say, they were powerless;⁵ at Leleseye, in Suffolk, they were not

¹ Ibid., nos. 759, 763, 764.

² Ibid., nos. 849, 851.

³ Ibid., no. 925. For instances of two seizures of same estate cf. nos. 743, 744 (Kent).

⁴ No. 762.

⁵ No. 857; cf. no. 858. Hundred of Keynesham (Somerset). 'John la Warr was a rebel. He held the manor called Bristulton. It is in the honour of the earl of Gloucester, so that the jury could inquire no further.'

allowed to take seisin of de Montfort's lands,¹ and in certain hundreds their demand for the Michaelmas rent was met by a flat negative.² Nor were Edward's officers any more tractable; at Chawton, in Hampshire, a manor formerly held by de Montfort of the king and now seized by Edward, when the local jurors went to the court to 'extend' it, 'the bailiffs of the place, viz., Stephen, Sir Edward's Marshal, Richard de Putlyhe bailiff of the place, and Richard Morville clerk of the place, came and wanted to imprison the king's bailiff and the jurors and do not tolerate any other collectors'.³ The collectors cannot have been at all popular in cases of mistaken seizure, for in the general scurry to occupy 'enemy' lands after Evesham some bad mistakes were made. Some of these cases can be explained by the fact that perfectly loyal subjects had obeyed the royal summons issued by de Montfort from Hereford shortly before Evesham,⁴ as appears from the return of the hundred of Nassaburgh or liberty of Peterborough:

'The Jury know of no rebels, except that Sir William de Preston was at Kenilworth in the service of the abbot of Ramsey, *who was summoned by the king's precept to find his service*.'⁵

or from the return for Northumberland:

'Gilbert de Humfraumville went with horses and arms, but did no wrong and immediately came to Sir John de Baliol to have the king's peace and afterwards behaved well.'⁶

that is, he obeyed the summons, but when he got to his destination he found he was on the wrong side, so changed over.

It should not be hard to find an explanation why the Earl of Gloucester gave back in certain cases to their original owners the manors he had seized, after they had been in his possession a little while. In all probability he wanted the

¹ No. 888.

² No. 895. In Worcestershire (936) 'They (the bailiffs of the earl) will not allow, &c.', became quite a formula.

³ No. 692.

⁴ *Foedera*, i. 455.

⁵ *C. Inq. Misc.*, i, no. 840.

⁶ *Ibid.*, no. 847.

rents as a reward for his hard work for the king and his son, and Edward may have promised them to him as a bribe for his support.¹ Gloucester may even have had a general licence from the king for the seizures, or a special permission such as Sir William de Appeltrefeld was said to possess in Sussex,² or John de Reynger in Kent.³ After the Winchester Parliament in September 1265, he restored to the king certain of his newly acquired lands and retained others, but later on the increased work of rent-collecting and the care of the additional land may have put too great a strain on his officials, in addition to which his sympathies veered round after the *Dictum* to the side of the disinherited, and so in a number of cases he may simply have handed back to their former owners the territories he had occupied. This is purely a hypothesis, but a hypothesis in keeping with Gloucester's character as we know it. His animus against his opponents as a political party was probably small. The object of his dislike was Simon de Montfort himself, and, de Montfort once removed by death at Evesham, his feeling for Henry and for Edward was not strong enough to prevent him sympathizing with the party of which he had formerly been a leading member, and here and there giving back, when it suited him, the lands which he had confiscated.

Of all the returns made by the local juries to the collectors during that September (1265) those for the county of Kent possess the greatest interest. Besides evidencing the scramble for the seisin of rebel estates and bringing into relief interesting local features of the rebellion they throw great light on the confusion that reigned after Evesham. The record of two hundreds, Milton⁴ and Shamel⁵, must suffice; in them two principal points emerge: first, that some of the rebels get back their confiscated lands within a few weeks; secondly, that the victors of Evesham do not draw the line between rebel and loyalist very carefully. In the hundred of Milton

¹ Note a copy of a writ of the earl to one of his bailiffs in *Curia Regis* Roll 186, m. 7, 'tempore quo laboravimus circa reformationem status predicti domini regis et deliberationem domini Edwardi primogeniti sui'.

² *C. Inq. Misc.* i, no. 913, 'He had the king's writ and Sir Edward's for this seisin.'

³ No. 745.

⁴ No. 747.

⁵ No. 753.

the jury begin by stating that there were no rebels in the hundred, but this must mean *actually resident* there at the time of the rebellion, for they go on to present seven, their first entry relating to Geoffrey de Lucy, one of the leaders of the Montfortian party who held land in Newenton. Both he, one Sir Thomas de Kent, and a certain Thomas de Marinis, rebels, had their lands restored to them before the middle of September.¹ Then follows a little story of the reception of an attempting *seisitor* :

‘Bartholomew de Moriston by letters of G. de Clare’s Constable at Tonbridge came to the court of Thomas de Hegham at Godwyneston in the town of Siddingburne and there demanded seisin and entry on behalf of the said constable and, this being refused, he took seisin of the foreign lands and carried off the corn of the said Thomas. But Thomas recovered seisin by the constable’s letters before the octave of the Annunciation (April 1). When the said Sir Bartholomew de Moriston came to the same court and ordered Robert le Ferroure of London to surrender to him, the said Robert was willing to surrender, but the wife of Thomas drove him back so that the said Bartholomew could not take him.’

Hegham was suspected of being at Rochester² and he had harboured a Londoner, an enemy of the king;³ so there was some excuse for de Moriston’s visit. But for other and more effective seizures there was less justification. In the hundred of Shamel

‘Sir William de Apeldrefeld seized the land of Sir Nicholas de Cres whom he took and led to Tonbridge Castle where he was detained until released after an inquiry ordered by the earl of Gloucester. He did not bear arms against the king.’

and

‘Walter Draco seized the land of Henry de Dunleg by order of the Constable of Tonbridge because he was under-

¹ Geoffrey, however, found it convenient to let Newenton to Geoffrey de Lusignan for five years. *C. P. R.* 1258–1266, 28 Nov., 513.

² P. 171 above, and note.

³ Cf. no. 767: ‘Peter de Gysors, citizen of London, had a house in Rochester worth a mark a year, and as the citizens of London were open enemies of the king Geoffrey de Ross took the said house after Evesham’, &c. Also 747, where a cordwainer and a girdler of London are presented as rebels.

stood to have borne arms against the king and the earl. The jury say that he did not so bear arms, so that his seisin was restored. *The men of Sir Edward came and seized the same land on Friday after Michaelmas and still keep it.*¹

Some entries in the Buckinghamshire Assize Roll show that rent was paid to the king by the magnates who took possession of the manors of rebels after the battle. In the hundred of Mursley the Michaelmas rent of four manors is accounted for on the justices' roll. Now the justices were not in Buckinghamshire till 1269, and from this one is inclined to think that those who remained in seisin of the *terrae rebellium* and did not give those lands up to the king paid regularly or irregularly, as the case may be, the usual manorial rent to the Crown. If so, then they must have been confirmed in their seisin after the returns from the collectors had been received, so that their tenure was regularized now, if it had not been regularized by writ or licence at the beginning. The return for Mursley and the account in the Assize Roll are printed side by side; the order of lands in the inquest has been slightly changed.

C. Inq. Misc. i. no. 633 (1265)

William de Bermingham held the manor of Hoggeston in demesne. He was killed at Evesham on the side of Simon de Monte Forti. The manor is worth £10 a year, Sir Roger de Clifford is in seisin and his bailiffs received the Michaelmas rent of 26s. 3d.

A. R. 59, m. 15 (1269-1270)

From Roger de Clifford for the manor of Ogesthon for the Michaelmas term 28s. 4d.

John Passelewe held Drayton in demesne. He was captured on the side of Simon de Monte Forti at Evesham. The manor, with part of Muresle, is worth £16 2s. a year. The earl of Gloucester is in seisin and his bailiffs took the Michaelmas rent of 65s. 11d.

From the earl of Gloucester for the manor of John Passelewe of Drayton £4 3s.

¹ The italics are our own.

Robert son of Neal held the manor of Salden in demesne with part of Muresley. He was on the side of Sir Simon de Monte Forti and was killed at Evesham. The manor is worth, with the aforesaid part of Muresleye, £20 a year. Sir John de Grey is in seisin and his bailiffs received the Michaelmas rent of 30s. 10d. and half a pound of pepper.

From John de Grey for the manor of Robert Finel (Fitz-Neal) in Salden 39s.

John son of John had the manor of Waddon in demesne. He was with Sir Simon de Monte Forti and was captured at Evesham. The manor is worth £21 10s. a year. Sir John de Grey is in seisin and his men took the Michaelmas rent of £4 11s. 5d.

From Reginald de Grey for the manor of Waddon which belonged to John Fitz-John £4 11s.

Underneath, the entry in the Eyre Roll adds

‘Note that Westbode which was Thomas Mansel’s wood, which Reginald still keeps, was not regularly granted to him, therefore the sheriff is commanded to take it into the king’s hand and to attach the said Reginald to come and answer for it.’

In the above cases there has been only one change in possessor for four years—and that a mere conveyance from brother to brother (John to Reginald de Grey). It thus appears that in some cases the seizers of these *terrae rebellionum* after Evesham were confirmed in their holdings and paid rent for them.

iii. *The Condition of England in 1266 and 1267 as illustrated by financial records of the period.*

But tenurial change is in itself of little importance compared with the economic prosperity or the reverse which it entails. On the widespread misery and penury of the disinherited there is no reason to dilate. Yet some investigation

of the economic condition of the counties is required. The data from manorial rentals is unfortunately very small. The Winchester manors alone possess records of any continuity during this time, and their evidence of decline from 1264 to 1266 is very much what we should expect. In the Court roll of Wallingford in 1266 the impoverishment of the town is manifested by the falling off in the assessment of members of local trade guilds.¹

But we are on surer ground when we examine the annual payments of the sheriffs into the Exchequer of Receipt. The figures have dropped so remarkably from their pre-war level that the economic effect of the disturbance on the counties appears to have been considerable.² Miss Mills has already published the total sums brought in at the annual profer during this period, and she kindly permits me to quote in detail her figures for the various counties. In the cases where the sheriff did not attend at the Exchequer, the present writer has added a note to that effect.

The figures given in the Table speak for themselves. The drop in the regnal year 1266-1267 is very significant. But it would be a great mistake to arrive at a hasty conclusion as to the poverty of this or that county from these figures. For from the autumn of 1265 to the summer of 1267 the king was constantly drawing upon the sheriffs of counties for victuals, equipment, carriage of provisions to his army in the field, or for hard cash to be paid into the Wardrobe. Had there been none of this 'providing', none of these payments into the Wardrobe, the sheriffs would have brought in far greater sums, in cash, or in tallies, to the Exchequer; as it is, many of them bring nothing but writs. It is essential for an understanding of the records immediately to be interpreted that we should briefly trace the procedure followed in these years.

¹ *Hist. MSS. Comm. Rep.* vi. 578.

² 'Adventus Vicecomitum,' by Miss Mabel Mills, *E. H. R.* xxxvi. 495: 'It would be natural to expect that, after peace was restored, the sums paid in by the sheriffs would actually increase, for there were a number of outstanding debts, due from other people besides the sheriff. If the recovery at the Exchequer were real and complete, this certainly would be the case. No such increase is, however, recorded, and in fact the total for the fifth period (1274-1278) is less than for the first (1254-1258).'

While doing so, we should not forget the very pertinent and parallel case of 1298, already successfully investigated and described by Miss Mills.¹

When the sheriff was ordered to go to expense on the king's behalf,² he claimed at the Michaelmas Exchequer the cost of the items which he had to provide, or the sums which he paid into the Wardrobe; and in order to substantiate his claim he produced the writs that authorized him to undertake the expenditure, and, in all probability, the vouchers proving the payment of the money. If satisfied, the Exchequer sent over to the Chancery, authorizing it to issue to the sheriff for the items claimed writs of *Allocate*³ which gave the Exchequer power to deduct the amount claimed from the sheriff's arrears. Accordingly, those items for which he produced writs were allowed him in his account in the Pipe Roll and entered in the section of the account where such allowances, e.g. *Terrae datae*, Alms to the Templars, &c., normally occur. We shall therefore find the sheriff's authorized expenses in the Pipe Roll. What then of those sudden emergency disbursements which, acting on his own in a moment of crisis, he may have been compelled to take—a raiding party to be dispersed, fortifications burned to the ground immediately to be restored, stolen goods to be rescued? What if he has been prevented from holding his tourns in the county, or from receiving the normal outgoing? These expenses we shall find him claiming in the *facta summa* (the statement of his debt at the end of the Pipe Roll sum), which is recorded in the Memoranda Roll. For these he may be able to get writs later, if he can produce sufficient evidence. Perhaps if the king knows of his case, and he has acted as an indispensable stand-by during the war, his expenses may be remitted altogether, as in the case of William le Latimer, sheriff of Yorkshire; but if doubt exists about the items claimed, and he cannot show authority or warrant, formal inquisition on the matter may be held in the

¹ 'Adventus Vicecomitum', 1272-1307, in *E. H. R.* xxxviii, July 1923.

² Many of these orders are to be found in the Close Rolls; confirmation in the *contrabrevia* in the Liberate Rolls. See *supra*, 167.

³ To be found in the Liberate Rolls.

Exchequer Court, where a jury of his county will testify to the circumstances under which the expenditure occurred, or owing to which he was prevented from receiving his county's outgoings in full.

(1) *Sheriffs' Accounts.*

Let us first glance at authorized expenditure. The preparations made by the king for the siege of Kenilworth were considerable. He took all his treasure with him from London and moved first to Oxford.¹ Orders had gone to the sheriffs of Warwick to send workmen and masons;² to the sheriff of Gloucester and the guardian of the bishopric of Worcester, to have mangonels repaired and dispatched to him at Warwick;³ to the sheriff of Surrey to provide numbers of arrow-shafts;⁴ to the sheriff of Worcester to send hurdles.⁵ Wine was demanded from the sheriff of Hampshire (through the king's butler),⁶ quarrels were obtained from elsewhere.⁷ It is not difficult to understand why the city of London paid no ready money into the Exchequer that autumn. A great deal of it went into provisions for the royal army⁸ as well as into wages for the defenders of the Tower.⁹ To go more exhaustively into the preparations made would necessitate more time and space than is permissible here;¹⁰ let us therefore take one or two counties which furnished nothing at the sheriff's proffer, and view them in a little more detail. Turning to Norfolk and Suffolk, we may watch Roger de Colevill, sheriff from 1265 to 1266, claiming, as he renders his account, his extraordinary expenses, which he was authorized by royal writ to undertake in 1266.

‘ Roger renders account of £56 for the remnant of the farm of the county, as above, and of £81 8s. 8d. for the profits of the county, as above. In the treasury nil. For one jar of wine for the king per Henry of Norwich, king's butler,

¹ Close, 50 Hen. III, m. 4 (schedule).

² Ibid., m. 9.

³ Liberate Roll 41, m. 6.

⁴ Ibid., m. 3.

⁵ Ibid., m. 4.

⁶ Ibid., m. 6, and Close, 50 Hen. III, m. 7.

⁷ Liberate Roll 41, m. 5.

⁸ Pipe Roll III, m. 18 d.

⁹ Liberate Roll 41, mm. 6, 7, 13.

¹⁰ Liberate Roll 41, mm. 3, 6, 9, 11; no. 42, m. 12, &c., deserve special study.

£3 6s. 8d. To Roger de Leyburn for furthering certain business of the king by his command, £13 6s. 8d. In cartage of 78½ quarters wheat, 107 quarters malt, 107 quarters oats, carcasses of 2 oxen, 33½ porkers, 10 quarters salt, 66,000 herrings, 43 jars of wine from Yarmouth, Ipswich and other places to the King at St. Edmunds, £22 8s. To John le Bretun in compensation for his expenses in K.'s service when K. was last at St. Edmunds, £15 os. 0d. To the same for provisions supplied when K. was there, £36 os. 0d. In wages of 26 mounted sergeants-at-arms, cross-bow-men on foot, 13 archer serjeants (unmounted) in the garrison of the castle of Norwich, 1 Jan. to 16 Jan. 1267, £24 16s. 0d. In wages of 18 mounted serjeants and two cross-bow-men, 8 archers (unmounted) in the said castle from 17 Jan. to 22 Jan. 1267, £5 2s. 6d. In wages of 10 serjeants-at-arms 22 Jan.—6 Feb. 1267, £8. In wages of mounted serjeants, unmounted cross-bow-men and archers from 17 Jan. to 17 Feb. 1267, £11 12s. 6d. In 1346 hurdles made for the king's use and carriage thereof to Lynn, £7 9s. 8d. In repair and restoration of the buildings, the turrets and the bridge of the castle of Norwich, £23 2s. 7d., by K.'s writ and testimony of Robert de Coventry and Thomas le Curteys. And to John le Bretun for expenses incurred throughout Norfolk and Suffolk in securing victuals and other necessities for the King's use, £15.¹

Then follow the ordinary items which are normally allowed—the *terrae datae*, the alms to the Templars, &c.—and Roger by the end of the account has overspent by £105 os. 2d. which is allotted to him next year.²

Let us turn to Norwich, which renders an annual farm of £108 blanch. This year the city owes £324 blanch as it has not paid for three years. It has £198 to its credit in the treasury. Here are its extraordinary expenses for 1266, all authorized by royal writs :

‘To John de Vallibus to recompense him for a horse which he lost in the king's service while besieging Kenilworth, 50 marks (£33 11s. 8d.). In the King's wardrobe to Nicholas de Leukenore the keeper of the wardrobe, £40. In the same wardrobe by the hand of Roger de Werdeston, £30.

¹ For the different kinds of troops, see J. E. Morris, *The Welsh Wars of Edward I*, pp. 50, 89–91.

² Pipe Roll 111, m. 21 d. Cf. Amalric Pecché's account (m. 5) for fortifying Cambridge.

To Charles son of William Charles, to recompense him for losses which he sustained in the siege of the said castle, £10. To Roger Cocus for two jars of wine taken for the king per Henry le Norwich king's butler, at Cambridge, £13.

Then follow other items not specially connected with the war, and the account ends with a 'superplus' of £33 5s. 5*d*. The payment into the Wardrobe is very typical. The Pipe Roll of 51 Hen. III shows a large number of cities and boroughs paying sums to the keeper, Nicholas de Leukenore, as the Close and Liberate Rolls have led us to expect. When there is no demand for ready money, there may be a demand for provisions. Dunwich, for example, has to provide twenty-three thousand herrings for the army. We may note in passing that the burgesses of the town are let off £20 of their farm *propter deteriorationem ville sue*—for depreciation owing to the conditions of disturbance.

Now if we look at Oxfordshire, another county that brings nothing to the Exchequer for four years, we find a similar story. During the siege of Kenilworth large quantities of live stock and provisions were sent to the king, the money for which is allowed Nicholas de Syfrewast the sheriff, while John de St. Valery, sheriff for 1265, has similar allowances made him.¹ Generally speaking, we may say that those counties which brought nothing to the Exchequer in 1266 and 1267 are those upon which the king's demands fell heaviest, and they are, as might be expected, those at no great distance from the storm centre, Kenilworth. Had their sheriffs simply defaulted at the Exchequer we could not be so confident about the position; but they do not default. A glance at the *Adventus* table shows that the sheriffs of the counties of Worcester, Nottingham, and Derby, Hereford, Oxford, and Berkshire, Norfolk and Suffolk, Cambridge and Huntingdon, all appear, but bring 'nothing but writs'—the writs which authorized them to spend the *exitus comitatus* on the king's behalf, while their colleagues of Nottingham, Warwick itself, and Leicester, Buckingham and Bedford, can muster only

¹ Ibid., m. 25.

£57 13s. 4d. in cash or tallies between them. The only neighbouring unit that neither appears nor produces writs is Shropshire and Staffordshire.¹

Of the counties farther off, Kent provides an excellent example of the war system of finance. The profer shows a nil return for 51 and 52 Henry III—that is, for the years 1266 and 1267—since at Michaelmas the sheriff accounts for the year past. This fact is not surprising, for the sheriff Roger de Leyburn was in actual fact the royalist commander-in-chief in the south-eastern districts, acting in an official capacity in very much the same way as William le Latimer (in an unofficial capacity) in the North of England; and not only were the ordinary revenues of the county taken to subsidize Roger de Leyburn, but in order to meet the exceptionally heavy expenses which he incurred in his capacity of defender of the coast against the galleys of the Cinque Ports special contributions were levied upon the hundreds and other localities in the county and were granted, with readiness.²

Any one inclined to minimize the serious condition of things in England in the year following the *Dictum* would do well to study the military activities of the royalist commander, as revealed both in the writs addressed to him and in his accounts on the Pipe Roll. Roger de Leyburn³ was made Warden of the Cinque Ports and Chamberlain of Sandwich on 5 December 1263, and on the same date was granted the seven hundreds

¹ It is very interesting to compare the relations between Exchequer, sheriff, and Wardrobe during 1266 and 1267 with their corresponding relations in 1298. The *Adventus* figures in the years immediately before and after 1298 are, just as in 1266–1267, very low; and at the later date, too, the sheriffs were, in a similar way, making large local purchases on account of the Scotch and Gascon wars, and claiming them as allowances. But in 1298 administrative technique has advanced from that in 1266–1267. The allowances granted to the sheriff are entered, for the most part, not in the Pipe, but in the *facta summa* in the Memoranda Roll; for the Pipe has been cleared from detailed claims of this kind. Decentralization has also grown; in 1298, when the Wardrobe needs provisions, equipment, &c., it makes the sheriffs its buyers, which saves both time and trouble. Cf. M. H. Mills, art. cit.

² Close, 50 Hen. III, m. 7: 'Cumque pro conservacione et defensione partium earundem quedam contributiones in hundredis et aliis locis provide sunt et unanimiter ibidem concesse...'

³ For a sketch of his career see *Archaeologia Cantiana*, v. 133–93.

of the Weald.¹ Three days later he became sheriff of Kent, and held the office till June 1264. He was sheriff again immediately after Evesham until November 1267,² and it was during this latter time that most of his military duties were undertaken. The writ which bade him fortify Rochester Castle in March 1264 gave him the commission to keep the peace in Kent, Surrey, and Sussex, and 'to harry our enemies and rebels in those parts',³ and in virtue of this he seems to have acted as repressor-in-chief of disorder in the south-eastern counties. It was throughout this period (1265 to 1267) that the king especially relied on him to deal with the rebels of Ely, Essex, the Weald, and the southern ports,⁴ to hold the castles of Nottingham, Rochester, and the Tower against attacks, and to act as his envoy on certain occasions.⁵ His first mission that we hear of was to the Londoners, 'to treat of peace and to take the City and Tower of London into the king's hand', in which he was engaged from 28 September to 7 October 1265.⁶ The king sent him in

¹ *C. P. R. 1258-1266*, 300. He was granted the seven hundreds for life on 12 March 1266. *Ibid.*, p. 567.

² *P. R. O. Lists and Indexes*, ix. 67. He was holding the office of justice of the forest north of Trent during the greater part of this period, *C. P. R. 1258-1266*, 470, &c., and Close Rolls 50-53, Hen. III, *passim*. He was also sheriff of Cumberland, *C. P. R. 1258-1266*, 507, which, as that office entailed the keeping of Carlisle Castle, shows that he had some military responsibility in the North, though he does not seem to have attended to it personally.

³ Exchequer Miscellanea 1/41, no. 7.

⁴ His total expenditure against the rebels during the period amounted to £3,478 3s. 5d. Pipe Roll III, m. 28 d.

⁵ Royal mandate to the barons of the Exchequer during Easter Term 1267 to allow Roger his expenses: 'positis per preceptum Regis in munitione, reparatione, defensione et custodia castrorum Regis Roff' Notingh' et Turr' Lond' de toto tempore quo habuit custodiam eorundem per preceptum Regis una cum equorum et aliarum rerum suarum amissione ibidem et de expensis suis positis per preceptum Regis in diversis partibus Wald' Hunt' Essex et alibi et etiam ad capiendum et custodiendum villas de Winches' et Sandwic' Regi resistentes et ad transfretandum et eundum pro negotiis Regis ad comites sancti Pauli et Bolonie una cum equis perditis in predictis partibus.' *L. T. R. Mem.* 42, m. 9 d. On m. 9 he is allotted his expenses for munitioning of Carlisle Castle. Cf. *Royal Letters*, ed. Shirley, ii. 335.

⁶ Exchequer Miscellanea 1/4, no. 10. Exchequer Accounts (K.R.) 3/6. After the resistance of London had collapsed, it is curious to notice that seven or eight cart-loads of chains used in obstructing the roads in or entrances to London were conveyed by water to Windsor in Feb. 1266. *Liberate Roll* 41, m. 7.

reply to a submissive letter from the terrified Londoners, who were afraid lest the king and his victorious forces gathered at Windsor might attempt to storm the city: and the account of his mission is given in the Chronicle of the Mayors and Sheriffs. The city made absolute submission at the church of Barking, and Roger bore back to Windsor letters patent recording the fact. The king then sent for the mayor and a delegation of forty of the more prominent men of the city to confirm what they had written, and Roger, who had brought them letters of safe conduct, took the delegates from Staines to Windsor, when they were kept waiting outside the castle for a long while, and then, when finally admitted, locked up in the tower. Roger treated them with scant ceremony, as the author's careful record of the time and place shows.¹ He was sent a second time to the city towards the end of September, to take armed custody of the place so as to prevent the conspiracies and treasonable gatherings which the king understood to be taking place.² In the two years that followed, his commission as guardian of the peace and generalissimo against the rebels was no dead letter. In November the king heard that there were similar unlawful assemblies in the Weald, and Roger was sent to bring back suspected persons to the king's peace 'in friendly fashion' (*amicabiliter*).³ The 'friendliness' enjoined upon him he interpreted in his own way. His accounts speak of his journey to the Weald as made 'to repress the rebels of the lord king and to bring them back to the king's peace', while he kept two hundred archers in his pay for nearly seven weeks.⁴ At the beginning of January 1261 he was sent to Sandwich, which at the time was harbouring the galleys of the Cinque

¹ *Lib. de Ant. Leg.*, p. 77. FitzThedmar was perhaps one of the delegation. The *London Chronicle*, Add. MS. 5444, f. 76, says that the delegation was put in chains on its arrival at the castle; in any case no notice was taken of the safe conduct granted to the deputation.

² Exch. Misc. 1/41, no. 9: 'Quia pro certo intelleximus quod quidam in civitate Londoniae congregationes et conventicula faciunt contra nos in civitate predicta de quibus suspicio habetur per quod nobis et civitati predictae grave periculum possit imminere nisi remedium citius apponatur.' Writ dated 20 Sept. 1265. Cf. *ibid.*, no. 10, dated 22 August.

³ *Ibid.*, no. 2.

⁴ Exch. Accounts 3/6.

Ports, to seize the port and expel the hostile vessels. The attack was pressed home with the aid of siege engines by land¹ and in all probability of a contingent of Yarmouth vessels by sea.² From Sandwich, Roger passed on to Hastings in compliance with a royal order to fortify the castle and protect the adjacent ports.³ He made thence an expedition to Winchelsea with all the forces he could gather, to hunt down rebels and drive out more rebel mariners.⁴ In May came orders for him to undertake a punitive raid into Essex, the reason being once more unlawful gatherings together, robbery and murder on a considerable scale. The operations lasted from 6 May to 1 June, and Roger employed a fair-sized force, reckoning his expenses *per diem* at £117 14s. There were thirty-five knights, seven sergeants-at-arms, seven *valetti* of the king, and seven cross-bow-men, a number of 'Welshmen and scouts', and five hundred archers from the Weald, two hundred of whom he equipped with tunics.⁵ From Essex he probably moved to Kenilworth to help in the siege, for his name occurs among the witnesses to the *Dictum*, and we find many pardons granted at his instance. Furthermore, remission was granted him in consideration of his faithful service of all 'debts and arrears, accounts, reckonings, and receipts' which he was bound to render when sheriff of Kent, the service being, one may conjecture, service at the

¹ Ibid. 'Item pro ingeniis reparandis conductiones (*sic*) cementariorum ad lapides formandos ad idem ingenium et stipendiis magistri Petri Ingeniatoris cum suis ministris et bretachiis formandis versus mare per idem tempus . . .'

² *C. P. R.* 1258-1266, 551. A grant to the good men of Yarmouth 'because by the king's order they are going against the king's enemies, the men in galleys of the Cinque Ports'. The attack on Sandwich was paid for by 200 marks out of the fine of 20,000 marks imposed on the Londoners for their part in the rebellion. Ibid., p. 613.

³ Exch. Misc., doc. cit., no. 4. (10 Feb. 268.)

⁴ Exch. Accts., doc. cit.: 'in eundo versus Hastings ad firmandum castrum de Hastings et muniendum et exinde versus Wynchel' cum equis et armis et toto posse quod perquirere poterat ad galiotos et alios malefactores et depredatores in eadem villa gravandos et expugnandos'. Over 300 archers were employed in his attack on Winchelsea.

⁵ Ibid. The mention of archers from the Weald which occurs twice in his account is interesting. Mr. J. E. Morris, *The Welsh Wars of Edward I*, pp. 30, 31, inclines to think that archers came only from Wales.

lengthy siege. Early next year he was sent down at Edward's request to drive parties from the Cinque Ports out of Winchelsea once more;¹ then back again to the Weald on hearing that there were further and more serious disturbances there.² It was a busy life.

As the spring and early summer of 1267 drew on, the struggle with the discontented elements in the country reached its most critical period. The understanding between the Earl of Gloucester and John d'Eyvill, the soul of the defence of Ely, created a most dangerous situation. By 27 March John had stolen out of Ely with a large force and was making for London³ in order to effect a junction with Gilbert de Clare, who had deceitfully assured the king that he would join him at Cambridge.⁵ Roger de Leyburn was told to chase the escaped rebel 'day and night' with all the forces he could collect, but he was too late. Gilbert de Clare secured entrance to London on the 8th of April by the help of the Legate, who not knowing the earl's purpose advised the Londoners to receive him,⁶ and John d'Eyvill reached Southwark on the 11th. Then followed a repetition of the scenes enacted under FitzThomas's mayoralty. The *minutus populus* rose again and the commune was proclaimed; wealthy and important citizens were placed under arrest in the charge of the earl; new bailiffs were elected, and all who had been banished for offences committed during de Montfort's government came back to the city, while any imprisoned on that account were released.⁷ To the earl came flocking the disinherited from all parts, 'as if to their protector' as one annalist strikingly phrased it,⁸ and remained with him in the city. The king seems to have persisted with

¹ Exch. Misc., doc. cit., no. 6.

² Ibid., no. 5.

³ Ibid., no. 8: 'Quia pro certo intelleximus quod Iohannes de Eyvill inimicus noster cum magna multitudine armatorum nuper insulam de Ely exivit et versus partes Lond' divertens de quo nobis et regno nostro periculum poterit provenire . . .'

⁴ Ibid., no. 10.

⁵ Add. MSS. 5444, f. 82: 'Et comes Glovernie in eo tempore cum quibusdam de Insula secreto foedus iniit, provisoque parlamento apud Cantebrigg' ibi accessurum se predictus comes finxit.'

⁶ *Lib. de Ant. Leg.*, p. 90.

⁷ Ibid., p. 91.

⁸ *Ann. Winton.*, p. 105.

the blockade of Ely till 25 April, notwithstanding the fact that its principal defender had escaped: but Gloucester's fortification of the city, the preparations he was making against the Tower, where the Legate lay, and his collection of fortified ships in the Thames¹ warned Henry that he must take action. He marched south, reorganized his forces at Windsor, and proceeded to Stratford, where he remained with his army for fully seven weeks. He fully realized the nature of the opposition, and at first determined to crush it by aid from overseas: Roger de Leyburn was immediately sent across the Channel to the Courts of St. Pol and Boulogne to bring help,² and it may well be to this period that certain undated offers of help from abroad may be attributed.³ It was fortunate that the mediation of Richard of Almain and Philip Basset prevented the occurrence of another 1216 or 1217.

The resistance of the disinherited in East Anglia and Gloucester's action were a greater menace to the Government than is commonly thought. The countryside was terrorized, attempts were made to seduce from their loyalty towns faithful to the king, and arms were landed at Norwich, while county administration suffered a certain amount of dislocation.

¹ Add. MSS. 5444, f. 83: 'Interea vero predictus Comes non solum Regi suae civitatis inhiuit; sed eam contra eundem pro posse munivit, ingeniaque contra Turrim erexit, naves etiam per Thamisiā bene munitas adunavit.'

² Exch. Misc., doc. cit., no. 11: 'Cum Gilbertus de Clare comes Glouc' una cum exheredatis in civitate nostra Lond' contra nos se teneat in manu armata ad iteratam guerram in regno nostro, quod Deus avertat, sustentandam . . .' Henry also asked the Count of La Marche, Hugh de Lusignan, for assistance.

³ *Royal Letters*, ed. Shirley, ii. 318 (John of Brittany), 352 (Aymer de Rançon). Some of the details of the king's stay at Stratford are interesting. The army became very short of rations, as certain Buckinghamshire presentments and a royal writ to Roger de Leyburn (Exch. Misc., doc. cit., no. 2) show; the latter bidding Roger to collect victuals in Kent and adjoining counties and bring them to the king at Stratford (quia . . . victualibus plurimum indigemus). Richard de Southchurch, the sheriff of Essex, came to the hundred of Chafford and made various requisitions for the fighters and the wounded; and the jury of Chafford in 1274 thrice recorded a plan of his to burn down London by means of cocks with fire fastened to their feet! *R. H. i.* 148 a. Cf. H. M. Cam, 'The Legend of the Incendiary Birds', in *E. H. R.* xxxi. 98 (the writer speaks of the 'baronial attack' on London in the spring of 1267; the baronial forces were, of course, in London).

A letter of the king to the mayor, bailiffs, and good men of Lynn shows that John d'Eyvill had written to the townsmen to secure their help; and the phrasing makes it probable that the burgesses had sent the letter in question to Henry, asking his advice or protesting their loyalty and probably at the same time adding that they were hard pressed, for the king in his reply told them that he was shortly coming to their parts 'to succour them and free them from all vexation and annoyance'.¹ The special summons issued in February to Philip Basset, to come with an armed force to the king at St. Edmunds, points to Henry's realization of the facts of the situation. The attempt to seduce the neighbourhood had been partially successful. Letters patent on 5 March refer to the fact that certain 'of the stronger and more approved men' of the maritime towns of Norfolk and Suffolk had not obeyed the king's mandate to rendezvous at Lynn prior to an attack on Ely.² The defaulters were 'as well within liberties as without', and evidently many had taken shelter within the franchise and refused to obey the royal mandate either out of slackness or sympathy with the rebels. The sheriff's account of outgoings of the confiscated lands of all those who refused to come to St. Edmunds *ad recipienda arma militaria* is to be found in the Pipe Roll of 1266-1267,³ which shows that drastic measures were taken against recalcitrants. Our information so far has come from the class of authorized and proved expenditure. But the records of the other category of expenses, those emergency disbursements for which the sheriff cannot always produce writs then and there, but claims that he has had to make them in the interests of the public safety, yield equally interesting facts.

¹ Close, 51 Hen. III, m. 8 d.: 'Rex Maiori, Ballivis et probis hominibus de Lenn salutem. Intellecto tenore literarum Iohannis de Eivill inimici nostri qui cum suis complicitibus per fraudes et machinamenta vos a fidelitate vestra subtrahere et avertere nititur, tanquam illos quos nobis et Edwardo primogenito nostro hactenus pre ceteris regni nostri constantes invenimus et fideles, ex parte vestra directarum . . .'

² C. P. R. 1266-1272, 44.

³ No. III, m. 18 d.: 'Computus Rogeri vicecomitis de exitibus terrarum quorundam qui contempserunt venire ad Regem apud sanctum Edmundum ad recipienda arma militaria per breve Regis directum eidem vicecomiti.'

A brief glance at the Inquests on the lands of the rebels of 1265 for Yorkshire shows that in that county a considerable state of disturbance existed, which spread into Northumberland also.¹ This is reflected in the accounts of the sheriffs of Yorkshire during the time of disturbance. I quote from the *facta summa* in the Memoranda Roll.

'William de Bozall's *sum* made up, William owes £33 6s. 1d., which he asks to be allowed him for his expenses. John de Oketon's *sum* made up, John owes £78 4s. 1d. of his farm for the profits and remnants of the farm of the county, which he could not raise because of the disturbance in the kingdom and out of which he paid wages to certain knights for the keeping of the peace by the command of lord Edward, the king's son, as it is said. William le Latimer's *sum* made up, William owes £2,117 14s. 8d., the whole of which he put into divers expenses, which he asks to be allowed him according to the particulars contained on a certain roll. Afterwards all these sheriffs were appointed a day and given till the quinzaine of Easter to obtain their allowances (writs of *allocate*) and to produce them then at the Exchequer, or they must answer for the said sums.'²

William le Latimer apparently brought a roll of expenses; the others did not. Let us then follow William a little further. At Easter his son evidently came to the Exchequer bringing a writ which entitled him to pardon for the whole sum. In the writ is the statement (*in quo continetur* etc.) that for the laudable service which his father William le Latimer performed on the king's behalf the king remitted and pardoned William and his heirs all accounts and arrears. The whole sum is wiped out, *in perdonis per breve regis*.³ Evidently William played in the north a similar part to that played by Roger de Leyburn in the south. Now, before passing to the fate of the other sheriffs of Yorkshire, let us turn

¹ *C. Ing. Misc.* i, no. 847. For Northumberland, cf. *Northumberland Pleas* (Newcastle-upon-Tyne Records Series, vol. ii, nos. 754, 757, 761, 775). Disturbers of the peace found an aider and abettor in Stephen of Yarm, constable of Alnwick. The castle formed a rallying place in the cause of the disinherited. *Ibid.*, no. 776.

² *L. T. R. Mem.* 42, m. 19.

³ Pipe Roll III, m. 7d. This, it should be noted, is in the 'residuum comitatus Eboracensis', the last Yorkshire members on the Pipe Roll of the year.

to another sheriff, also in low water, who is claiming various allowances. Geoffrey le Rus, sheriff of Buckinghamshire and Bedfordshire, has his claims on a little schedule attached to his *facta summa*.

'Geoffrey asks an allowance of £37 6s. 6d. for rents of assize withheld from him" by the wrongful constraint (*per potentiam*) of the magnates in those counties. He asks to be allowed £42 for horses and arms which he bought, in expenses, and other disbursements (*misiss*) which he made for guarding the peace at the command of lord Edward. He asks to be allowed £60 which he lost by reason of his bailiwick¹ in the burning of his houses (or house) and corn. He asks to be allowed £32 6s. 8d. for horses, arms, money, clothes and other goods stolen at Hendon his manor by *John de Eyvill and other barons on their way towards London*.

He asks to be allowed £22 10s., *the money of the lord king*,² of which he was robbed then by the said barons. He asks to be allowed money for this, namely that he was not able to realize in full the perquisites in the said counties owing to the war at the said time, so that he may be able to answer for the profits of the county.

He asks to be allowed money for this, namely that he did not have a full year of pleas and perquisites because he missed the period from Michaelmas to St. Martin's day.'³

This is a very interesting statement; it shows that the baronial party was extremely active against the royalist sheriffs. But will the Exchequer accept it and make the allowances? Here, and in the case of the sheriffs of York and elsewhere, the Exchequer Court must decide. I append a summary of proceedings there (pp. 264-271), which must now be examined in some detail.

(2) *Exchequer Inquests.*

The Inquest was held under writ of the Great Seal. Identical formulas are used in most of the writs issued. A claim for allowances for a certain period has been made by the sheriff of X; the king therefore bids the barons of the

¹ 'Occasione ballive sue', i.e. because he was sheriff, and therefore singled out for attack.

² Part of the *exitus comitatus*.

³ L. T. R. Mem. 42, m. 20 a.

Exchequer ascertain by Inquest for how long the sheriff was impeded, who offered the obstruction, and who received the several moneys. The writ on behalf of Alexander de Hamden will serve as a specimen.¹ In the present case Geoffrey's claims are upheld by the jury for the most part, though nothing is said about his claim for loss of house and corn, and the jury in their account of the robbery at Hendon allude to the robbery of public money only. But their verdict is as illuminating as Geoffrey's claim. It points to the activities of a well-known group of Ely rebels, whom we shall encounter elsewhere; it testifies to the interruption of administration in both counties during the period November 1265–Michaelmas 1266, though the mention of 'those of the island' is curious if the period prior to the capture of Kenilworth is intended; and it shows that the sheriff had to ride with a posse to assert his authority.

The procedure explained, we can revert to Yorkshire. There seems to be no Inquest into William de Bozall's² claim for *allocate*, but details are forthcoming about John de Oketon and Robert de Nevill, sheriff 1263–1264. Taking the latter first, we observe, as the miscellaneous inquiries would lead us to expect, that d'Eyvill acted as the leader of the Yorkshire rebels, and that he not only paraded through the county as a military commander but also appointed men to receive the *exitus comitatus*. Did these act in the same way as the eight individuals in Nottinghamshire and Derbyshire, who, in [p. 272]

¹ 'Baronibus pro Alexandro de Hamden'. Rex mandavit quod per sacramentum proborum et legalium hominum de comitatibus Buk' et Bed' per quos rei veritas etc. diligenter inquirant per quantum tempus Alexander de Hampden' quondam vicecomes Regis predictorum comitatum fuit impeditus quominus comitatus et hundreda Regis tenere potuit et officium vicecomitis libere exercere et alia ad regem pertinentia perquirere sicut prius tempore pacis fieri consuevit, et quo tempore et quanto per Iohannem filium Iohannis et Radulfum Pyrot et alios tunc Regi adversantes super hoc fuerit impeditus et per quos et qualiter et quomodo. Et qui exitus predictos medio tempore perceperunt et Regi inde respondere debeant. Et secundum inquisitionem illam eidem Alexandro de tempore illo iuxta impotentiam suam in premissis debitam allocationem secundum legem et consuetudinem scaccarii faciant.' L. T. R. Mem. 42, m. 7. Cf. *Royal Letters*, ii, 322, 297. (This is the more strictly chronological order for the two letters.)

² William was made sheriff of York on 27 June 1264. *C. P. R.* 1258–1266, p. 327.

SHERIFFS PREVENTED FROM RENDERING THEIR MONEYS AT THE EXCHEQUER

County.	Mandate for Inq.	Name of Sheriff.	Dates when impeded.	Particulars.	Reference for Particulars.
Beds. and Bucks.	Exch. Plea Roll, I.e. m. 4 d. 'Breve de magno sigillo.'	Geoffrey le Rus (Mich. 1265-11 Oct. 1266).	11 Nov. 1265 to Mich. 1266.	Impeded by Adam Gurdon, David de Uffington, John Russell, and 'others of the island' (Ely). Could not hold tourns or the two <i>magni comitatus</i> in Bucks. Damages estimated ¹ at 10 m. In Beds. he was impeded by Nicholas Wymichale, ² John de Limoges, John Peyure and others of his company, and could not hold tourns or county courts. Damages at 100s. No <i>res assisae</i> , placita, or perquisites. <i>Had to journey with 12, 20 or 30 horses to defend his bailiwick (ratione ballive sue defendende)</i> . Was robbed of £22 of official money (<i>de denariis domini Regis</i>) at Hendon.	Exch. Plea Roll, I.e. m. 4d.
"	L. T. R. Mem. 42 ³ , m. 7.	Alexander de Hamden (Mich. 1259 to 27 June 1264).		No details. Impeded.	Close, 53 Hen. III. m. 8.
Essex and Herts.	Exch. Plea Roll, I.e. m. 11 d.	Nicholas Espigurnel (Midsomer 1264 to 27 Oct. 1265).	Essex, 24 June 1264 to 1 Jan. 1265 (<i>natale primo sequens</i>).	Impeded by Humphrey de Bohun, junior, Simon de Montfort, sen., William de Goldingham, Ralph de Berners, Ralph Gernun, David de Uffington and other rebels. ⁴ Nothing received.	Exch. Plea Roll, I.e. m. 11 d.
			Herts., same period.	Nothing received except the <i>res assisae</i> which the bailiffs of the half hundred of Hitchin and the bailiff of the hundred of Broadwater received, total unknown.	

"	L. T. R. Mem. 43, m. 9, Hilary 1269.	Richard de South-church 27 Oct. 1265 to 12 June 1267.	Essex, Easter (28 Mar.) 1266 to 13 Jan. 1267 and 11 April 1267 to 25 July 1267.	Impeded by Hugh Pecclé, Ralph Perot, Ralph de Berners, David de Uffington, and colleagues. Did not hold his two tourns. Damage 100 m. ⁶	Exch. Plea Roll, I. e. m. 10d.
Cambs. and Hunts.	L. T. R. Mem. 10, 43, m. 6 d., 44, m. 5.	John Lovel (June 1261 to 26 Feb. 1262, and 8 Oct. 1262 to 18 June 1264).	Herts., 28 March 1266 to Edward's entry into Ely, 25 July 1267.	Held all county courts except three. Damage 100s. In both counties received all <i>res assise</i> and other outgoings except the 100 m. and the 100 shillings. Pecché & friends received nothing.	Exch. Plea Roll, I. e. m. 10d.
			[Claims that he has been prevented from fulfilling his duties as sheriff at the following times and so from receiving the outgoings of the county. Between 24 June and Michaelmas 1261 1263. " " A third of the year 1264. No inquisition to be traced.]		
"	L. T. R. Mem. m. 8.	Almaricus Peché (Pecché) (Mich. 1265 to 23 Nov. 1267).	17 April to 11 July 1266.	Impeded by rebels in Ely from holding his tourns or receiving the issues and perquisites of the county.	Letter from Thos. de Wymundham and barons of the Exch. attached to Close, 53 Hen. III. m. 4, giving result of Inquest.

¹ I have translated *unde dominificatus est* thus. It is generally the sheriff's own estimate.

² This may possibly be Gloucester's bachelor, Nicholas de Wymall.

³ Cf. page 263 n.

⁴ The verdict of a second jury, the first being '*minus sufficiens*'.

Exch. Plea Roll, I. e. m. 11 d.

⁵ Cf. Close, 51 Hen. III, m. 12. Mandate to the barons of the Exchequer to charge against Richard only those sums '*quos vobis rationaliter constare possit*'.

<i>County.</i>	<i>Mandate for Ing.</i>	<i>Name of Sheriff.</i>	<i>Dates when impeded.</i>	<i>Particulars.</i>	<i>Reference for Particulars.</i>
Kent.	L. T. R. Mem. 41, m. 1 d.	Fulk Payforer (18 June 1264 to 8 Aug. 1265).	24 June 1264 and 29 Sept. 1265. ¹	Unable to receive the <i>corpus comitatus</i> during this period. The debt of £152 2s. 6d. with which he is charged at the Exch. to be remitted to him, for his faithful service to the king during this period. ²	As for mandate, and Close, 51 Hen. III. m. 8.
Lines.	Exch. Plea Roll, I.e. m. 2 d.	Giles de Gonsle (Mids. 1264 to Mich. 1265).	24 June 1264 to 29 Sept. 1264.	'Hindered through the command of the king and the provisions of the Earl of Leicester because all pleas in the county at that time ceased and many from the several vills were at the sea coast to stop the coming of foreigners.'	As for mandate.
"	Exch. Plea Roll, I.e. m. 2 (referred to only).	Giles de Gonsle (Mids. 1264 to Mich. 1265).	Mich. 29 Sept. 1264 to 1 Aug. 1265. ³	Hindered by Stephen de Lound, bailiff of Adam of Newmarket, who acted as sheriff holding pleas pertaining to the Sheriff. Damage 40 <i>l.</i>	Exch. Plea Roll, I.e. m. 2 d.
"	Exch. Plea Roll, I.e. m. 2 (referred to only).	Giles de Gonsle (Mids. 1264 to Mich. 1265).	From day of Evensham (4 Aug.) 1265 to 29 Sept. 1265.	Hindered by Gerard de Fancourt and his bailiffs 'and especially by John Rat who held Sheriff's pleas (<i>huiusmodi placita</i>) at the time and took money from amercements and perquisites;' Damage 40 <i>m.</i> Giles received all outgoing the whole time he was sheriff, but could not give out the Wapentakes to farm 'because the bailiffs of the Wapentakes were elected according to the Provisions of Oxford and did not pay farms as in times of peace'. ⁴ Consequently he suffered 200 <i>m.</i> damage—owing to failure to let.	Exch. Plea Roll, I.e. m. 2 d.

"	L. T. R. Mem. 44, m. 7 d.	William de Grey, (Mandate granted to Richard, son and heir of) (11 Dec. 1261 to Mids. 1264).	Mandate only. In- quest repeatedly summoned fails to appear.	Exch. Plea Roll, I.e. m. 15 d. ⁵
"	L. T. R. Mem. 45, m. 6.	Hamo Hautein (Mich. 1259 to 11 Dec. 1261).	Mandate only. No inquest can be traced.	
Norf. and Suff.	Exch. Plea Roll, I.e. m. 11 d. ⁶	Nicholas Espigur- nel, 8 Oct. 1262 to 18 Dec. 1263, and accounts joint- ly with Vallibus and Stanhou till 1265.	22 April to 8 Dec. 1263.	Impeded. Damage £60. Not impeded Exch. Plea Roll, I.e. m. 22 d.

¹ Apparently the inquisition had taken place, for the mandate to the barons of the Exchequer speaks as if the 'impeding' were an established fact.

² 'Oneratus est ad idem scaccarium de tempore quo fuit custos eiusdem comitatus de ultimo dimidio anno quadagesimo octavo et tribus partibus anni quadagesimi noni de centum quinquaginta duabus libris duobus solidis & sex denariis de remanentibus eiusdem corporis quod occasione turbationis in regno habite perficere non potuit de rebus assisis et perquisitis comitatus liberandis ad idem scaccarium. Et quia nolumus quod idem Fulco aliquam sustineat iacturam vel in aliquo sit perdens occasione servicii sui nobis impensi vobis (*baronibus de scacc.*) mandamus quod si per rotulos de scaccario predicto vobis constituerit eundem Fulconem esse oneratum sicut predictum est, tunc ipsum Fulconem inde exoneretis prout melius videritis expedire et de iure fuerit faciendum' (3 Feb. 1267).

³ 'Usque ad captionem militum apud Kenilworth in festo beati

Petri ad Vincula.'

⁴ An important detail showing that the Provisions were no dead letter.

⁵ 'Et quia mandatum fuit vicecomiti pluries et nichil inde fecit idem Iacobus de Paumpton vicecomes amerciatum ad xx.s. pro contemptu. Et mandatum est vicecomiti sicut pluries quod venire faciat a die Sete, Trinitatis in xv dies xii probos, etc. ad certificandum, etc. . . . Ad quem diem venit predictus Iohannes et Inquisitio non venit. Et quia pluries mandatum est vicecomiti et nichil inde factum est et etiam ut parcat laboribus et expensis luratorum petit dictus Iohannes quod inquisitio capiatur in pleno comitatu. Et concessum est ei. Et mandatum est vicecomiti quod in pleno comitatu suo inquirat, etc. Et inquisitionem habeat hic in crastino Scti Michaelis sub sigillis.' (No trace of this inquest can be found.)

⁶ The Inquisition twice failed to appear.

County.	Mandate for Ing.	Name of Sheriff.	Dates when impeded.	Particulars.	Reference for Particulars.
Norf. and Suff.	Exch. Plea Roll, I.e. m. 22 d.	John de Vallibus i. 81 Dec. 1263-1264. ii. 27 June 1264. 28 Aug. 1265 to 25 Oct. 1265.	22 March to 7 June 1264.	Hindered. After b. of Lewes was in prison and could receive nothing. His bailiffs received the rents of assize, but jury do not know if they paid them to John.	As for mandate.
"	"	Harvey de Stanhou 7 June 1264 Sept. 1265.	7 June to 1 Dec. 1264.	Was unable to hold any county court, 'because Hugh le Despenser gave orders under pain of forfeiture to the Crown (super forisfacturam domini Regis) that no plea should be held in any of the counties bordering on the sea'. Received all outgoing.	
			June to 4 Aug. 1265.	Hindered to some extent (<i>quominus potuit plenarie exitus recipere</i>) by John de Burgo, sen., and William de Bovill.	Exch. Plea Roll, I.e. m. 22 d.
			4 Aug. to 8 Sept. 1265.	From 4 Aug. to 18 Sept. impeded altogether by seizers of lands directly after the battle (<i>per occupatores terrarum statim post idem bellum</i>). Damages 150 l.	
Notts. and Derby.	Close, 51 Hen. III, m. 12. [Mandate to barons of Exch. only to charge sheriff with those outgoing which he could be proved to have received.]	John de Balliol.	Throughout his tenure of office, July 1261 to April 1264.	The king states as a fact that John de Balliol was impeded by the Montfortian sheriffs of the counties, viz. Nicholas de Eyvill, William son of Herbert, Richard Foliot, William de Muncumbre, John de Beke, Richard de Weston, Sampson de Dun, and Ralph de Resby, who received a large proportion of the outgoing of the counties. ²	Close, 51 Hen. III, m. 12. L. T. R. Mem. 41, m. 4.

Warwick and Leicester.	Close, 53 Hen. III, m. 5.	Roger de Somery farmer of Gosecote hundred.	1 Nov. 1263 to 1 Aug. 1264.	Could not receive the outgoings of the hundred of Gosecote. Stephen de Nevill, seneschal of Nicholas de Segrave and Peter Bastard, received them. Damage 10 <i>l</i> .	Exch. Plea Roll, I. e. m. 23,
		William Bagod.	24 June to 29 Sept. 1263.	Was impeded by Thomas de Estleigh and Roger de Haleford, who received all out- goings.	”
			11 Nov. 1265 to 24 June 1267.	No county courts held during this time. ³ Bagod impeded by ‘those who were in the castle of Kenilworth and those in the Isle of Ely’.	”
Surrey and Sussex.	L. T. R. Mem. 42, m. 10.	Robert Aguilun.			

[K. asks barons to
certify what sums
Robert objects to in
his account.]⁴

¹ The Inquest shows that he was in office on 8 Dec.

² ‘Qui tempore turbacionis in regno nostro nuper habite per Symonem de Monteforti quondam comitem Leyce, postquam predictos comitatus predicto Iohanni commissimus, officio vicecomitis aliquamdiu intendebant et qui magnam partem exituum predictorum comitatuum perceperunt.’ Close, 51 Hen. III, m. 12. In L. T. R. Mem. 41, m. 4, the name of ‘Robert de Strallege’ is added.

Clearly the men enumerated were not all sheriffs, cf. Inquisition on Robert de Nevill, Yorkshire.

³ ‘Quia nullus comitatus per idem tempus potuit teneri.’

⁴ ‘Calumpniatur sibi allocari, eo quod eosdem exitus propter impedimentum guerre nuper in regno Regis habite percipere non potuit ad plenum.’

County.	Mandate for Inq.	Name of Sheriff.	Dates when impeded.	Particulars.	Reference for Particulars.
Yorks.	Exch. Plea Roll, I. e. m. 5.	Robert de Nevill	29 Sept. 1263 ¹ to 14 May 1264 (when Simon de Montfort made William de Bor-hall sheriff).	Hindered by John de Eyvill, Robert de Veteri Ponte, John de Vescy, William Marmion, Adam de Novo Mercato, Baldwin Wake, Robert de Wyleby, Robert de Wulverinton, Richard de Shes, and other rebels of the king ' <i>who were going through the county of York with standards unfurled</i> '. Robert only got 10s. from a fine from the Wapentakes of the West Riding and 40d. for replevin from an inhabitant of Flaxton. Outgoings of county received by John de Lovetot, Robert de London, John Drury, Jordan de Horington, Adam de Eyvile ('at the command of John de Eyvill', cf. Close, 54 Hen. III, m. 13).	As for mandate and Close, 54 Hen. III, m. 13, Robert de Nevill is forgiven the sum for this period. Cf. C. C. R. 1272-1279, 151 (writ to barons of the Exchequer in similar terms) which adds the detail that Robert also 'received 3s. 4d. from a man of Flaxton in order that he should be under plevin'.
"	"	John de Oketon.	29 Sept. 1266 to 17 April 1267.	Hindered by Simon de Montfort, jun., John de Eyvill, John de Ba, John de la Haye, Richard de Sees, Henry de Albe-marle, William Marmyun, William Greyn-dorye, Robert de Wolverington, Robert de Wyleby and other rebels of the king 'holding' out (tenentes) in the island of Axeholm, who likewise with flags flying were going like men of war throughout the whole country. Received only 40s.	As for mandate. The fine for this period is remitted to J. (Close R. ibid.).

from the township of Leysingby for evasion.
*'And they say that so great was the state
 of war that they do not know who received
 the remnant of the outgoings of the county
 during that time.'*

Other Inquisitions.

Beds.	Exch, Pica Roll, I. L., m. 9.	Geoffrey le Rus.	Inquest held to find out how much the sheriff's tourn for Mich. term 1265 and other outgoings pro- duced.	Geoffrey le Rus received £4 4s. 8d. from the farm of serjeanties, 5s. 3d. from the <i>minute firme</i> of serjeanties from the last quarter (July, Aug., Sept.) of regnal year 49, 6cs. from farm of Flitt hundred (for same period); £10 6s. 8d. from the sheriff's tourn; £6 13s. 4d. from pleas and per- quisites, etc.
"	"	"	"	Nil for July, Aug., Sept. 1265.
"	"	Simon de Pate- shall.	"	"

¹ 'A festo Seti Michaelis anno XLVIII usque ad bellum de Lewes
 tempore quo Wills. de Bozall factus fuit vicecomes in comitatu

predicto per Symonem de Monteforti.' This must stand for
 Michaelmas 1263, otherwise the sentence is meaningless.

the words of the Chancery, 'performed the sheriff's office for some time and received a great part of the outgoings of the county'? The inquest on the Lincolnshire sheriff, Giles de Gousle, may throw some light on the position of these intruders. The jury say that immediately after the battle of Lewes (June 1264) a considerable proportion of the able-bodied population had to guard the shore against invaders from abroad;¹ consequently, at de Montfort's command, no pleas were held in Lincolnshire or in Norfolk and Suffolk. In September, however, pleas began again, and with the resumption of ordinary activity came a new sheriff, the bailiff of Adam de Newmarket, who held office till the battle of Evesham the following year. After Evesham another baronial sheriff apparently succeeded, for a certain John Rat held 'the pleas pertaining to the sheriff' till Michaelmas 1265. These facts point to a particular kind of change in the administrative personnel. The Montfortian 'sheriff' seems in certain cases to have been, if not the bailiff of, at least a person appointed by a powerful baronial leader, like d'Eyville, Adam of Newmarket, or (as in the case of Lincoln) Gerard of Fancourt, to receive the outgoings of the county; on the other hand, we may be wrong in formally terming these officials 'sheriffs'. William, son of Herbert, is the only formally appointed² official in the Nottingham and Derby group whose members the jurors call sheriffs. These men may not be sheriffs at all: they may be officials of the 'keepers'³ of counties, the

¹ Cf. *C. P. R.* 1258-1266, 360. Mandate to the whole community of the counties of Norfolk and Suffolk to be prepared against invasion and the remarkable mandate on p. 364 (9 Aug. 1264). Cf. *Annals of Dunstable*, p. 233.

² *Ibid.*, 366 (18 July 1264). He is appointed 'by the counsel of the king's barons'.

³ *Ibid.*, p. 357 (24 December 1264). These keepers are allotted groups of counties. Alan la Zuche has Devon, Somerset, and Dorset; Philip Basset has Wilts., Berks., and Oxford. The marcher earls Roger Mortimer, John FitzAlan, John de Verdun, James de Audley, Hamo Lestrangle, take the Shropshire and Staffordshire group: and the northern counties of York, Northumberland, Cumberland, Westmorland, and Lancaster are answered for by a large group of men which includes John de Balliol, Robert de Nevill, and Peter de Percy who had shown themselves as reluctant as the western marchers to help the new Government. *Ibid.*, pp. 364, 374.

important local personages with military powers who were appointed in December 1264 in order to wield the executive power in their counties or county groups. The 'keepers' may have appointed such men to receive the outgoings of the county during the period of disturbance, so that considerable uncertainty might well exist in the minds of a county jury some three or four years afterwards as to exactly who was sheriff of a given county at a given date between December 1264 and August 1265.

The remaining Inquisition for Yorkshire, on John de Oketon, is more simple; it testifies to the state of war in the county caused by the defender of Axeholm. John d'Eyvill is still active, and of his colleagues mentioned in 1263 Robert de Wolverington and Robert de Wileby still remain.

The inquests contain some significant details of administrative history. Besides the enforced cessation of pleas in the maritime counties after the battle of Lewes, they record the fact that in Lincolnshire, at any rate, the Provisions of Oxford were followed out in one important particular; Giles de Gousle lost 200 marks, as he was unable to let out the wapentakes at farm 'because the bailiffs of the wapentakes were elected according to the Provisions of Oxford and did not pay farms as in time of peace'. The clause in question occurs, of course, not in the ordinary text of the Provisions, but in the royal promise (20 October 1258).¹ This proclamation of his adhesion to them is, however, the only instance of a claim of this description that the present writer can trace. Some interest attaches to a Norfolk and Suffolk jury's statement that Harvey de Stanhou, the sheriff, was interfered with by the occupiers of lands directly after Evesham. The phrase he uses is *occupatores*, not the official *seisitores*, which may mean that the seizure was carried out by big magnates like the Earl of Gloucester or by loyalists who simply took the lands of their opponents. The only surviving membrane of the

¹ *Royal Letters*, ii. 131: 'E ke cuntez, hundredes, wapentaks, ne nule autre baillie de nostre reaume ne baudra a ferme a nuli' ('debaudra a ferme a nuli' *Ann. Burton*, p. 455).

terrae datae et occupatae roll for Norfolk gives but little information,¹ but the 1265 inquests for the counties show pretty clearly who the *occupatores* were; William of St. Omer and John de Vallibus were among the most prominent of them,² while in Suffolk Gloucester's brother, Thomas de Clare, and William de Mountchesney figure in this capacity.³

Lastly, the Inquests mention by name two principal gangs of obstructors; in the eastern counties, Hugh Pecché, Ralph Perot, Ralph de Berners, Ralph Gernun, David de Uffington, and William de Goldingham, all of whom figure prominently in the Plea Rolls; and in Yorkshire John de Eyvill, Stephen de la Haye, Henry de Albemarle, William Marmiun, and others; for the part played by d'Eyvill no Yorkshire Plea Roll is available, but it is scarcely necessary in view of the very striking account in the Inquests of 1265. The verdicts in the wapentake of Dikering⁴ show him threatening the prominent gentry of the county with confiscation of lands and goods unless they gathered at Richmond and helped him to burn Raskelf and Wrelton, or to defend Scarborough Castle, or accompanied him into Northumberland. He did not confine himself to Northumbria; for the same return refers to a Sir William Malebise and Robert de Coleville as 'finding two men with Sir John de Eyvill against Canterbury'.

On the whole it is surprising that the sheriffs were not interfered with more. This list of inquisitions, if it is complete, is not a very formidable one. But if the administrative dislocation cannot be termed complete there is none the less a serious disturbance of the normal routine of the county as the expenses of sheriffs incurred by royal command demonstrate. A complete Calendar of the Assize Rolls and the pertinent *coram rege* rolls of the period would undoubtedly substantiate this contention. But in going further to define the principal areas of social disturbance we are seriously limited by the loss of many of the rolls of the justices of 1267-1269; for no conclusion based on the *terrae rebellium* alone will give any idea as to the degree of support forth-

¹ A. R. 569 b.

³ Ibid., nos. 881-901.

² C. Inq. Misc. i, nos. 810-32.

⁴ Ibid., no. 939.

coming from the villagers and townsmen. Yorkshire, Cambridgeshire, Norfolk, Suffolk, the counties most closely affected by the Ely garrison, Essex, and, to a less degree, Hertfordshire, the Weald, and the Cinque Ports, appear in the records which we have examined to have been the most troubled parts. But these are not necessarily the districts in which support from the baronial party was greatest. A powerful baron by sufficient threats might bring out large numbers of men for either party. Obviously a closer examination of the surviving records is necessary before we can answer the problem of the support given to de Montfort and, most of all, the question whether there is any connexion between petitioners of 1259 and rebels of 1265-1267.

CHAPTER III

SUPPORT GIVEN TO SIMON DE MONTFORT

IF any rebellion is to be successful two types of support should be forthcoming: active military aid, and sympathetic local action. With the first of these the chroniclers and historians who have drawn principally upon them have been concerned when they studied the protagonists of the opposing parties in the Barons' War. The chroniclers are naturally concerned with the *barnagium*, the military leaders who gave the name of their class to the struggle and with their service formed the nucleus of the army in the field. If this kind of support alone is reviewed the conclusion is quickly reached that, apart from the Welsh in de Montfort's pay, here is a purely feudal rebellion and that the tie of fealty or the threat of distraint accounted for the presence of the majority of the earl's supporters whether before Rochester, at Lewes, or at Evesham. But social history, concerned with the movement of opinion with the passions and loyalties of the smaller tenant, turns to local action and tries to penetrate to the lower as well as the higher ranges of society, to the villager as well as to the *capitalis dominus*, to the small townsman as much as to the rich burgher. Its pursuit of detail, its devotion to local sympathies, often obscures the general perspective and makes generalization difficult, and material like Eyre Rolls and Inquisitions is often inadequate and often lacking when wanted. Here and there, however, its findings will tell us much that the chronicles, which after all must form the basis of our knowledge, leave doubtful or unsaid.

It is clear that de Montfort during his short government had set himself to win sympathy by carrying out the principles of 1259. Stubbs,¹ commenting on the *Forma Regiminis*, laid stress on the provision for freedom of election

¹ *Const. Hist.*, 4th ed., ii. 99.

which 'showed more than a confidence in the knights' and 'extended that confidence to the freeholders by whom they were to be chosen, a confidence which was in a few months extended to the inhabitants of the boroughs'. The uniting effect of the summons of the whole armed force of the country to London, the measures taken to ensure the keeping of the great charters of common liberties and the forest, and of the articles subscribed to and sent out by the king at Worcester,¹ the regulation of Edward's body-guard (*mesnée*),² the attempt to restrict him to England, and the surrender of castles exacted from him, the precautions taken against the marcher lords in the west, and finally the famous summons to the January Parliament, cannot have failed to make a popular impression. Apart from well-known facts of constitutional history which show, again in Stubbs's words, that Simon 'had had genius to interpret the mind of the nation' (and this nation honours its interpreters), we may notice, before coming to the Eyre Rolls, a few points in his financial administration which may help to explain the support he received.

He took over a chaotic exchequer. From Michaelmas, 1263, there had been no Treasurer, and there was no resident baron or deputy-marshal. The last sheriff to account had been the sheriff of Buckingham and Bedford on February 5, and there had been no Easter Term.³ A Treasurer, the prior of St. Radegund, a resident baron, Roger de la Leye, and a remembrancer, Robert de Fawkham, had to be appointed;⁴ the king was made to swallow his pride by sitting in person to take the oath of the mayor of London who was presented by the citizens,⁵ and (one may conjecture) by assenting to the

¹ *Foedera*, i. 449.

² So as to consist of 'unsuspected' Englishmen, *Foedera*, loc. cit., and *Liber de Ant. Leg.*, pp. 71-2.

³ 'Adventus Vicecomitum' in *E. H. R.* xxxvi. 489, and n. 3.

⁴ L. T. R. Mem. 39, m. 1, m. 3 d.: 'Pro Thesaurario. In crastino Animarum venit Episcopus London' et H. 'le Despenser Iustic' et presentaverunt coram Baronibus H. Priorem de Sancta Radegundi Thesaurarium domini Regis.'

⁵ m. 2 d.: 'Cives London' venerunt coram Rege sedente in scaccario et presentaverunt Thomam filium Ricardi quod sit maior London' hoc anno et ad hoc admissus est et praestitit sacramentum.' The presentation of the mayor in the Exchequer is usual. Cf. *Letter Book C*, p. 28 (13 Sept. 1298).

demands of the earl for the arrears of his wife's dowry.¹ An entry relating to London shows that Henry had his reconstituted council with him in the Exchequer, so important was the work to be done.² That work was chiefly the formidable business of getting in unpaid farms and rents from counties³ and sheriffs' arrears.⁴ The results of the disturbance are well mirrored in a writ to the sheriffs of counties⁵ bidding them bring in farms and rents at the ensuing Trinity Term. 'Since (it runs) owing to the disturbance lately had in the realm in some counties there were no sheriffs and in some certain men who were the sheriffs were unable to carry out their sheriff's duties, wherefore rents, sums due, and moneys that pertain to the sheriff's aid, view of frankpledge, and the sheriff's turn are still owing to us, we bid you make diligent inquiry in full session of your county court and in the several hundreds of your county in the presence of the coroners or at least of one of them by the oath of good and lawful men . . . what and how much is annually owing to us on these accounts and who oweth it, as much in the case of towns as of individual persons, and who received the sums for the Easter, the Nativity of St. John the Baptist, and Michaelmas 1264, the periods for which time nothing was paid into

¹ m. 5 d. 1,360 marks of arrears from Roger Bigod 'quas regi debet de arreragiis quadringentarum marcarum quas regi soluit annuatim pro Symone de Monte forti com. Leyc. et Alianora uxori sua pro dote ipsam contingente de terris et tenementis W. Marescall' quondam viri sui Hibernie'. From Margery, countess of Lincoln, 600 marks for same, m. 2 d. Cf. Bémont, *Simon de Montfort*, pp. 63-4.

² m. 8: 'London'. Quia consideratum fuit coram domino Rege et consilio suo praesentibus in scaccario . . .

³ m. 5: 'Bed' et Buk' pro Rege. Quia per turbationem in regno habitam non fuerunt Barones residentes in scaccario ad pascha anno xlviii propter quod redditus assise regis et firme sue de eodem termino nondum sunt regi persoluti et ideo mandatum est vic' quod fieri faciat omnes redditus et res assisas spectantes ad firmam predictorum comitatum de eodem termino levare faciat, et inde omnes denarios provenientes habeat ad scaccarium in Octabis Sancti Hillarii Regi reddendos et breve.' Printed in Madox, *History of the Exchequer*, c. xxi (ed. 1711, p. 583).

⁴ m. 2 d. From sheriff of Cambridge and Huntingdon £277 were demanded; from sheriffs of Hampshire and Somerset and Dorset 'quandam summan pecunie', from sheriff of Northampton 397 marks 'de diversis debitis'. Old debts of Alexander de Hampden, sheriff of Bucks. and Beds., were called for from his son, m. 2.

⁵ m. 9. To sheriff of Hampshire.

our exchequer. . . .’ The writ then bids the sheriff to bring before the king, at Trinity 1266, all those who received any of the money owing and to distrain for debts of all kinds. Further inquests into the debts of sheriffs still coming in to the summons year by year were ordered.¹ The new administration made a great attempt by means of local inquests to defeat the old and ever-baffling problem of arrears.

Striking therefore is the leniency shown in exacting the debts of towns and of religious houses. Care for the poorer townfolk is manifested in a writ to the mayor of Lincoln expressing the king’s concern that the four burgesses, elected according to royal charter to guard the pleas of crown ‘and to see that the reeves of that place justly and rightfully treat poor as well as rich’, were not performing their functions, and commanding that they should do so, and should take care ‘that in the aforesaid pleas what belongs to the king’s farm for that town should be justly levied’.² The burgesses of Derby are allowed for a fine of 100s. to gain remission from paying annually to the sheriff a like sum ‘for having the king’s goodwill and for their liberty’;³ the burgesses of Colchester are let off their twenty marks yearly paid *pro*

¹ m. 9 d. Lancs. Inquiry is to be made ‘que debita Patricius de Vlvesby, Willelmus le Butiller, Galfridus de Chetham, Adam de Monte Alto et Mathaeus le Redeman, dum fuerunt vicecomites nostri in comitatu tuo, vel Ballivi eorum receperunt que tibi veniunt adhuc in summonitionem nostram et a quibus debitoribus et occasiones debitorum’. Similar mandate to sheriff of Essex *re* debts of Ralph de Ardern, Henry de Heleweton, Hubert de Monte Kaniso, John de Bocking, Matthaueus de la Mare. To sheriff of Suffolk, *re* debts of John de Vallibus, Philip Marmeyun (Marmiun), William de Helscham, William de Swineford, Robert le Sauvage.

² m. 3 d.: ‘Et quia datum est nobis intelligi quod predicti iiij electi subtrahunt se et absentant quo minus pauperes in eadem civitate iuste et legitime traxcentur mandatum est eisdem in fide et dilexione quibus Regi tenentur firmiter iniungendo quod predictos iiij electos prepositis eiusdem assidere ad custodienda placita corone regis et alia que ad eandem coronam pertinent et ad videndum quod tam pauperes quam divites in eadem civitate iuste et legitime traxcentur secundum tenorem carte regis predictae et etiam ad videndum quod de predictis placitis iuste leventur ea quae pertinent ad firmam Regis eiusdem ville ne amplius etc.’ The construction is faulty: the sense requires ‘mandatum est prepositis eiusdem assidere (*select*) predictos iv electos.’

³ m. 7 d. The money was paid ‘ad opus regis . . . ex gratia videlicet pro bona voluntate sua habenda et pro libertate’.

*bono adventu regis ibidem.*¹ The city of Winchester, so impoverished that its buildings are falling down or in ruins, is granted a reduction in its farm by the compassionate king at the advice of his council.² To restore Lincoln's prosperity merchants from outside the town (*forinseci*) are to be made to sell their wares there, as was the custom 'before the king's first crossing to Brittany', a custom contained in the charter, which the king ordains to be 'read before the barons of the Exchequer and the articles in it enrolled and firmly held'.³ The reason for making Lincoln a sort of staple town again is given on the dorse of the membrane: it is simply that otherwise the citizens cannot pay their farm. Towards the clergy similar favour is shown. Men in religious orders are not to do suit in person to the sheriff's tourn:⁴ 360 marks of a fine for transgression of the forest laws are granted to the abbot of Bruern (Oxon.)⁵ and the payment of a murdrum fine against the abbot of Wardon and his men is postponed.⁶ The barons are told to consult together to see if the burdensome suit which the abbot and convent of Creek have to perform cannot be relaxed,⁷ and acting on their recommendation the king acquits the monastery.⁸ Respite till Trinity is granted to the prior of the order of St. John of Jerusalem, to the abbots of Stratford, Woburn, Reading, Ramsey, and St. Augustine's, 'concerning certain amercements, chattels, and murder fine'.⁹ With regard to amercements it is to be noted that there was a comprehensive postponement till further consideration of all fines for default and contempt on Alan de la Zuche's forest Eyre in the midlands.¹⁰

To be compassionate pertains to the king; but it is also a matter of necessity in the case of bad debts of which there

¹ m. 8.² m. 7.³ m. 6, 6 d.⁴ m. 5 d.⁵ m. 3.⁶ m. 3 d.⁷ m. 7 d.: 'Utrum esset ad dampnum Regis si sectam illam pro annuo valore eiusdem reddendo ad scaccarium remitteretis necne.'⁸ m. 11: 'volens gratiam facere specialem.'⁹ m. 8 d.¹⁰ m. 3: 'Recordatum est coram Baronibus quod rex precepit quod Egidius de Argentyn et omnes alii amerciati coram Alano la Zuche in itinere suo ad placita foreste in com' Huntingdon pro defalta vel contemptu habeant respectum de amerciamentis illis quousque rex per consilium suum providerit utrum solvi debent necne.' Cf. m. 3 d., 8 d.

is no hope of recovery. In any Memoranda Roll pardons, remissions from, or postponements of, rendering account are to be found, they are part of the ordinary routine. Striking, however, in this instance is the proportion which such cases bear on this roll to others of a different character. For the *Communia* in this roll are not particularly large, and remission cases occupy quite a prominent part. The policy adopted is just what we should expect and helps to explain the popular and ecclesiastical support given to the earl during the rebellion.

§ 1. *The support of the towns 1264-1265.*

The attitude of the Londoners is too well known to need re-telling.¹ That staunch patrician FitzThedmar, who in his Chronicle of the mayors and sheriffs represents his opponents as a mere faction and inveighs against FitzThomas the mayor for his democratic leanings and pernicious practice of superseding the authority of the aldermen by that of the populace, should not prevent us from recognizing that the great majority of London was on the mayor's side against the *magnates civitatis*. It has been remarked that what de Montfort did for England, FitzThomas did for London. By 1263 he had given the *communa civitatis* the first voice in every measure, 'which, as FitzThedmar remarks, 'made the people so proud that at the time of disturbance in the kingdom of which mention above has been made² they met in groups, and by hundreds and thousands bound themselves together by oath under a pretext of preserving the peace, who were manifestly disturbers of it;' and, he added, went much further than the barons in punishing infringers of the Provisions of Oxford, for they attacked Lombard merchants at night and did other damage, against which the mayor feebly protested. The word he applies to the people is *minutus* (just the Italian *minuto*), provoking the question whether these followers of

¹ See Dr. Sharpe, *London and the Kingdom*, i. 98, 99, and especially W. J. Loftie, *A History of London*, i. 133-55.

² This must, I think, refer to the early stages of the rebellion in the west of England in 1263.

FitzThomas are poorer members of the wards struggling against the aristocratic aldermen (who are still, in 1265, holders of private franchises) or members of young and aspiring craft guilds contesting the supremacy of the great merchants. Probably we should regard them as members of the craft guilds, resident in the wards, who were keenly interested in getting the control of their wards out of the hands of the aldermen and at the same time in having a voice in the election of the mayor, sheriffs, and Common Council.¹ What bound the Londoners and especially their mayor to Earl Simon was partly the permission which his party had given them in 1263 to formulate claims for any liberties of theirs that had been destroyed and 'to make other recommendations that were just and honest, so as to augment their liberties', promising that those recommendations would be presented to the king and Council by the barons and the royal assent secured²—a promise at which FitzThomas had eagerly snatched—and partly the refusal of the king to allow FitzThomas to be admitted to office in the autumn of 1263; more generally, perhaps, the whole attitude of Henry III towards the liberties of the city. The important thing to realize is the effect of events in London upon other cities and boroughs. In the first place the 'reorganization' of the smaller citizens of London was followed by what Wykes, in the well-known passage already quoted, has called the 'detestable custom . . . whereby conspiracies of low fellows (*vibaldi*) were formed in practically every city and

¹ A. H. Johnson, *The History of the Worshipful Company of the Drapers in London*, i. 13, 14.

² 'He summoned the people and told them to organize themselves by their handicrafts,' remarks Dr. Loftie (op. cit. i. 143) translating 'ut homines de quolibet officio providissent que fuissent eis utilia et ipse ea faceret clamare in civitate et firmiter observare'; 'unde [continues FitzThedmar] de die in diem singuli de quolibet officio per se fecerunt nova statuta et provisiones'. 'Handicraft' is perhaps rather too specialized a translation of *officium*. The passage in the Chronicle (p. 114) where FitzThomas and Thomas de Pivelesdon are reported to have planned, 'nescio si ad mandatum comitis Leycestrie aut non', a murderous attack on eleven prominent citizens, eight of whom were aldermen (A. B. Bevan, *Aldermen of the City of London*, 372-4), points rather to a struggle between magnates and commoners, as Stubbs (*Const. Hist.*, 4th ed., iii. 571) phrased it, than to a movement of the guilds.

town, who publicly termed themselves "bachilars" and with their violent enterprises tyrannized (*opprimebant*) the respectable citizens of towns and boroughs'.¹ Wykes attributed these disturbances to the example of the ribalds that called themselves bachilars who entered the city with de Montfort, but they are more likely to be due to the short-lived constitutional revolution which he sanctioned and perhaps even encouraged and which FitzThomas carried out. In the second place, if we may follow FitzThedmar, the refusal of the Commons of London to abide by the Mise of Amiens gave the lead to the Cinque Ports and to a large proportion of the middle class of England—*fere omnis communa mediocris populi regni Anglie*.²

Now our legal records have little to say about the incidents of the rising in London. There are, of course, presentments of men in the counties for ordinary robbery there,³ and there is a curious presentment in Cambridgeshire of a certain Michael de Kirkby, the anti-semitic parson of Peterborough, who was in the Tower as guardian of the wife of Hugh le Despenser, and who 'had two boats laden with Jews and run ashore at Gravesend'.⁴ A case before the barons of the Exchequer shows that the citizens had promised four hundred marks for the repair of the king's houses burnt at Westminster, though this may refer to the fire of 1263 and not to any incendiarism during the rebellion.⁵ The reason for this lack of

¹ p. 138: *ribaldi* connotes degraded social status rather than irresponsible youth—'low fellow' with its superior note of moral and social condemnation is the exact equivalent. The term 'bachelor' is perhaps borrowed, not without a touch of flattery, from the *bacheloría* of 1259.

² *Liber de Ant. Leg.*, 61. On the connexion of FitzThomas with de Montfort there is annoyingly little information. Together with Pivelsdon he is deputed to administer the oath of loyalty to the new régime to Robert Aguilun, a prominent loyalist. *C. P. R.*, 21 Apr. 1265. For Aguilun see Stapleton, *Liber de Ant. Leg.*, Introduction, xvi seq. FitzThomas and Pivelsdon with Michael Tovy, Stephen Buckerel, and John the Capper, were retained at Windsor after the rest of the delegation which had come to sue for the king's grace had been released. *C. P. R.* 1258-1266, 532.

³ e.g. A. R. 59, m. 17 d., where the defendant says he was robbed by Hugh Bigod and 'because of this robbery came to London'. m. 17.

⁴ A. R. 83, m. 15 d., hundred of Stow.

⁵ Exchequer Plea Roll, 1 d. (1266-1267), m. 8 d.

record is clear: the citizens who had taken a prominent part in the rebellion had fled. Their names were, however (ascertained by inquest), enrolled and sent to the Wardrobe and read out to a meeting of citizens at Christmas 1269, with a prohibition never to return on pain of life and limb. Fitz-Thedmar gives the list and the names and occupations:—Mercers, drapers, goldsmiths, a barber, a butcher, a taverner, a cofferer, a chaloner, two fishmongers are included—a thoroughly occupational group of men. Now in the concerted attacks on the manors of prominent loyalists elsewhere in Essex—Peter of Savoy of Cheshunt¹ and Robert of Tateshale at Little Waltham²—the defendants include a good sprinkling of smiths, dyers, bakers, and other craftsmen, who may very well have come out from the city after the example of the Londoners who plundered Richard of Almain and Philip Basset. Otherwise there is very little record of events in London.

What we do notice, however, is the difficulty of getting the great fine of 20,000 marks, large sums of which the king had allotted by letters patent to his creditors.³ He had assigned, for example, 10,000 marks of this fine to the king of France, a penalty due from him for not ratifying the sale for £20,000 of certain rights in the cities and dioceses of Limoges, Cahors, and Périgueux—a curious transaction undertaken on the initiative of Queen Eleanor and Prince Edmund when Henry was in particular need of money.⁴ The money for the fines was quickly borrowed by the Londoners, but their creditors remained.⁵ In 1268 the citizens are still being distrained, and the Constable of the Tower and sheriffs reply that they could not get the debts in because various

¹ C. R. R. 177, m. 23.

² Ibid., m. 26, no. 178, m. 23.

³ e.g. C. P. R. 1258–1266, 567 (Roger de Leyburn); 16 Mar. 1266, 569 (King of France); 9 May 1266, 594 (John de Warenne).

⁴ Cf. C. P. R. 1258–1266, 658, where the sum is referred to.

⁵ L. T. R. Mem. 40, m. 9d. (Trinity Term): 'Rex mandavit quod distringi faciant cives London' per omnia bona et catalla sua ad reddendum eisdem Thome et Galfrido [Thomas de Basing and G. de Winton] duo milia cxlvij m. iv d. quos Regi Francie solverunt pro terris Regis liberandis de quibus iidem cives de fine quem erga Regem fecerunt predictos Th. et G. ipsos indempnes servare tenentur.'

sums owed by the city had to be collected first.¹ They are again bidden to distrain, and later on reply 'that they had heavily distrained the citizens of London for that money and they had distrained goods (*distractiones*) to the value of the said money in their keeping, *but found no one who was willing to buy any of the goods of the said citizens*'.² They had not done so by 1269,³ and in the autumn of that year were fined for this failure,⁴ but again replied that no one would buy the distrained goods.⁵ The attitude of the Londoners towards the king comes out clearly in this little piece of *esprit de corps*. The other points worth noticing in the legal records dealing with Londoners at this time are the more reasonable treatment accorded after 1267 to citizens when suing for the return of houses and tenements granted away by mistake shortly after Evesham, and signs of returning respect for their liberties. At first the citizen of London, as the Inquisitions show, is *ipso facto* an enemy.⁶ Later, however, the king made the salutary distinction between rebel and non-rebel, decreeing that loyal subjects who had suffered loss or damage should recover it, and this is successfully pleaded by Thomas de Basing, whose manor was given to Simon de Creye.⁷ But the common attitude of the loyalist towards the Londoner comes out in the case of *Box v. William of St. Omer* (the justice)⁸, to whom land and some houses in Yarmouth belonging to Box had been granted. Now Thomas Box is described as 'king's merchant';⁹ but no matter, for St. Omer charges him, as a Londoner, with being an enemy. Box quietly replies that he was overseas the

¹ 'propter impedimentum diversorum debitorum predictae civitatis.' C. R. R. 186, m. 22. *Debitorum* may, on the other hand, be the plural of *debitor* and not of *debitum*.

² *Ibid.*, m. 25 d.

³ No. 187, m. 26 d.

⁴ No. 193, m. 3.

⁵ *Ibid.*, m. 16 d.

⁶ e. g. Kent, *C. Inq. Misc.* i. 753, Hundred of Shamel: Thomas de Shorne, cordwainer of London, had two acres worth 2s. a year. John Attestone, girdler of London, had an acre and a half worth 1s. 6d. a year. But no charge is laid against them. Their citizenship damns them.

⁷ C. R. R. 187, m. 14. The charge against Thomas is that he sent his servants to the siege of Rochester and elsewhere. The Inquisition, taken within the city, acquits Thomas.

⁸ No. 186, m. 27 d., no. 193, m. 16.

⁹ *C. P. R.* 1258-1266, 469.

whole time, but St. Omer asserts that indeed he was at Rochester, at Lewes, 'that he robbed the king's loyal subjects along the sea coast in league with the galleys of the Cinque Ports, that he aided and abetted them and received the goods they stole all around Lynn and Yarmouth'. Box again replies that his loyalty is attested by the king's original writ, in which it was stated that he was overseas buying stone for the king's church at Westminster and a loyal subject the while. This St. Omer could not gainsay, and he quitclaims Box of the manor for forty marks. Signs of returning respect for the liberties of London are seen in the record of the king's mandate to the bailiffs of London to summon before him parties who had been engaged in litigation before the Constable of the Tower over some tenements in the city, the proceedings in which had been highly irregular. The bailiffs of the city appear, formally object to the trial being held at Westminster, and claim the right of trying the case within the city as this is a tenurial plea; the customary privilege is thereupon granted to them. We have noticed the circumstances under which the assize had originally been held. It had taken place in 1266 on the very day on which Henry had specially proclaimed that no pleas should be heard by the bailiffs of the city within the city area, 'because the legate Ottoboni was preaching at Westminster', and the bailiffs of the city then in office, who were officials specially appointed by the king, were clearly responsible for its being held that day.¹

The men of the Cinque Ports appear as plunderers and pirates, watching the coast for the wealthy merchant as he put into Yarmouth or Dunwich, or swooping down upon the coaster to seize its cargo of merchandise. After Evesham Winchelsea became, in Dr. Burrow's words, 'the focus of national disaffection against the king,'² for there the earl's son Simon had gathered all the available ships, and after the capture of Dover in October the place served as the base for Channel raiding parties till its submission in March 1266. 'The said men still persevere in their pertinacity and with a

¹ C. R. R. 193, m. 2 d., m. 27.

² *The Cinque Ports* (Historic Towns), p. 110.

great fleet keep the sea and continue to commit offences and will commit greater,' said the king's letters patent in December 1265,¹ and in January 1266, the mandate to the ports of East Anglia to come with a fleet to Sandwich not having been obeyed, the Norfolk and Suffolk ships are sent for in a great hurry.² The Sandwich pirates had been stealing wool in considerable quantities from Yarmouth, where it had been warehoused, and had been taking it to Sandwich, where one of the barons of the ports took it in charge.³ Off Dieppe they had boarded the *St. Mary* of Fuenterrabia, as she was on her way with a cargo of wine to Picardy, and taken off 105 tuns of wine to be sold at their disposal.⁴ A syndicate of merchants from Lynn, Canterbury, Gascony, Germany, and Flanders—the conjunction of nationalities is interesting—depose that after they had loaded a ship of Zeeland with a cargo of wine, wool, lead, &c., at Deal, the Cinque Ports raiding party swooped down upon the vessel, took her off, and ran her into Harwich,⁵ while another set of English merchants complain that they were similarly robbed of their wool in Sussex.⁶ These merchant cases, heard *coram rege*, seem to point to systematic piratical activities on the part of the ports, and there is little wonder that Roger de Leyburn was appointed keeper of the coast of Kent and that contributions were compulsorily raised on his behalf. The complaints of the Bayonne merchant Chapelyn of robberies committed on Gascon merchants⁷ evidently made the king think of concerted operations between the Bayonne and the East Anglian fleet. In January 1266 he sent a couple of citizens of Bayonne to approach steersmen of Flanders, Spain, and Normandy in order to obtain their co-operation in putting down the nuisance,⁸ and in March he asked the

¹ *C. P. R.* 1258–1266, 652 (12 Dec. 1265).

² *Ibid.*, 653.

³ Mandate for restitution disregarded and repeated, *C. R. R.* 175, m. 10, 10d. The wool had evidently been bought by a merchant of St. Omer. The Cinque Ports were no doubt glad to avail themselves of the disturbance to prosecute their perennial feud with Yarmouth.

⁴ *C. R. R.* 175, m. 10d.

⁵ *C. R. R.* 178, m. 14.

⁶ *Ibid.*, m. 16.

⁷ *C. P. R.* 1258–1266, 655.

⁸ *Ibid.*

Countess of Flanders to give every assistance to the Gascon and East Anglian contingent, which was at the moment off the coast of Flanders.¹ The activities of the pirates were not confined to the Channel. They captured the goods of a Flemish firm of merchants 'on the sea coast of Blakeney, Humbre, Gyrunde, and Normandy';² a Spanish merchant, James of Santiago, depicted their depredations very effectively in the king's court. He and his colleagues had shipped a large and miscellaneous cargo of cloths and other goods bought in various Midland, Lincolnshire, and Yorkshire towns, when (off Blakeney on the Norfolk coast) 'English pirates' bore down on them and took them with their stuff to Holy Island (*Halielaunde*).³ From Bamborough to Bayonne was a fair range for the 'galiots' of the Cinque Ports.⁴

The part played by the larger cities and towns in the rising is not well illustrated by the legal records. By the time the Justices came round important offenders had either made or were in process of making their peace. Thus a citizen of Northampton presented by the municipality for plundering the jewry there pleads the king's charter of acquittance, and the justices refuse to go on with the case.⁵ Lincoln had had its pardon by the spring of 1267,⁶ Oxford as early as April 1266, Norwich probably not till after 1270.⁷ It is quite possible that at Oxford the smaller townsmen, who in 1255 complained of their oppression at the hands of the greater burgesses, after Lewes turned the tables on their opponents, for a member of the important local family of the

¹ *C. P. R.* 1258-1266, 659.

² *Ibid.*, 651.

³ *Northumberland Pleas* (Newcastle-upon-Tyne Records Series, vol. ii), no. 853.

⁴ For further depredations cf. *Royal Letters*, ii. 315, 16 (merchants of the King of France), 323 (merchants of Toulouse), 327 (merchants of Arras). For the insecurity in which merchants generally found themselves at this period, see *Royal Letters*, ii. 302-3, and the complaints of the merchants of Lucca, *ibid.*, 308, 9.

⁵ A.R. 618, m. 24, Hunter, p. 210. The case is adjourned for discussion before the council.

⁶ *C. P. R.* 1256-1272, 34. The fine was £1,000.

⁷ I cannot trace the payment of the Norwich fine. The city was taken into the king's hand in 1271.

Feteplaces was deprived of ten marks' worth of rent by a certain 'master Guy', 'then the tailor and supporter of Simon de Montfort', who forced him to sign a deed of conveyance against his will.¹ The aggrieved party formally complained that the young Simon de Montfort had imprisoned Adam Feteplace his father until he enfeoffed Master Guy with the 10 marks rent; and a jury stated that the enfeoffment was meant to serve as the ransom of Adam.²

Now Adam is the first name among the 'burgesses magnates' in the remarkable 'complaint of the burgesses of the lesser commune of Oxford' in 1255,³ and, according to that document, responsible for a good deal of the oppression. The smaller burgesses seem therefore to have had their revenge. Of the attitude of Hereford we have a brilliant and vivid picture in an inquiry held to ascertain the facts of certain robberies and trespasses committed in the city and suburbs.⁴ The Inquisition is dated 1265, but evidently refers to the operations of the marcher lords in the summer or early summer of 1263.⁵ The citizens are clearly on the side of the magnates against the Bishop of Hereford.

There is no record of the Justices at Lincoln, Oxford, or Norwich, with the exception of the single membrane of *terrae datae et occupatae* in Norfolk⁶, which does not deal with the city of Norwich. The inquisitions of 1265 cannot be expected to reveal much in this connexion, because no community that was strongly on the earl's side was going to give itself away: the difficulty with which awkward and unpleasant facts were elicited from Cambridge is a specimen of the equivocation and reluctance shown by a municipal jury when asked what part the town played in the rising. The

¹ Close, 50 Hen. III, m. 4. Mandate to sheriff for return to Philip Feteplace of the rent, as Guy refused to appear in court. It is interesting to note that a special ordinance was made to meet such cases, obviously not uncommon. 'Cum post conflictum de Evesham habitum apud Evesham' nobis existentibus apud Wigorn' de consilio magnatum nostrorum ibidem fuit provisum quod omnes terre et redditus que temporeurbationis habite in regno nostro per vim et compulsionem donate fuerunt donatoribus earundem restituerentur . . .'

² *C. Inq. Misc.* i, no. 294, cf. *Snappé's Formulary*, ed. H. E. Salter (Oxf. Hist. Soc., lxxx), pp. 284-5.

⁴ Ibid., no. 291.

⁵ Cf. *Ann. Dunst.*, p. 222.

³ Ibid., no. 238.

⁶ A. R. 569 b.

same in effect applies to smaller townships and vills. Again the question frequently suggested by a study of these legal records faces us: can the juries after 1265 be trusted? That the local jury could be prejudiced or could exaggerate is clearly shown by a case from Kent which came up by appeal before the king's Council in 1269, after being heard *coram rege*; the defendants, three men accused of pillaging a certain Simon of Chilton, evidently a supporter of the earl, complained that the jurors, who in their *veredictum* had said defendants were guilty, had grossly exaggerated the amount of plunder taken 'because they (the jurors) were on de Montfort's side at the siege of Rochester and enemies of the king'. The Council, not being able to ascertain the truth, ordered the jury to appear again and an additional panel of 'six discreet knights and six freemen' of the Rochester neighbourhood to be summoned, so as to secure a better substantiated version of the facts.¹

We must, I think, assume a rough standard of honesty in verdicts by 1269 or 1270. Sooner than give themselves away communities will default, and it is to be noticed that in cases where the township appears but does not make any presentation the justices amerce for concealment.

Default and failure to present, rather than positive falsification, seem to characterize the town communities which favoured the earl.

Let us take Yattendon's Buckinghamshire roll and look at the *villatae* in it. They are not all represented. Now in every eyre townships default, but in this one—and this is a special eyre which deals not with common pleas or the usual varied business, but with the rebellion only—default means something pretty definite. At Yattendon's first sitting at Wycombe three townships do not appear. 'The township of Brill summoned by the sheriff to execute the *dictum de*

¹ C. R. R. 193, m. 7: 'Et quia veritas super hoc non constat consilio, preceptum est vicecomiti quod venire faciat [in festo] Ascensionis domini ubicunque etc. iuratores predictae inquisitionis et praeter illos sex discretos milites et sex liberos etc. de vissneto Roff' et Sunderesse ad certificandum etc. super articulis ab eis requisitis etc.' The defendants complained to the Council of the jury in question.

Kenilworth contemptuously refused to do so and did not appear. Therefore it is in mercy, and the justices assess it for "double contempt" at 10 pounds.¹ As there are no Brill cases elsewhere on the roll we may assume that the place remained contumacious.² The townships of Amersham and Marlow are likewise fined for this 'double contempt'. Later on, when Yattendon sat at Newport Pagnell, Amersham is again on the black list. 'The township of Amersham makes no presentment; therefore no action has been taken. But for concealment the said town is in mercy and for the false presentment of Richard de Cantilupe'.³ Amersham was virtually Humphrey de Bohun's, and should therefore have remained loyalist;⁴ for Marlow there was more excuse, as Little Marlow was in the honour of Wallingford, where the Earl of Gloucester's influence was paramount, and Great Marlow was in the hands of the earl. The towns against which charges are brought are Aylesbury, Dorton, Walton, and Wendover. The first three are charged with acts of hostility in despatching contingents to aid the rebels, and in generally helping the king's enemies. The towns plead that their *missio hominum* was due to the king's letters patent directing them to send men to the coast.⁵ As the holder of Aylesbury manor at the time was the powerful John FitzJohn it is very probable that the men of Aylesbury had to be thoroughly baronial in sympathy. FitzJohn's influence was pleaded by Wendover which had to answer, in the persons of its twelve jurors, for disloyalty and plunder. The town's defence was that FitzJohn held it, and that he and his bailiffs

¹ A. R. 59, m. 2.

² In the past four years it had been in the keeping first of Roger de Missenden, king's clerk from Dec. 1264 to Aug. 1266, and secondly of the bishops of Bath and Wells, 12 Aug. 1266. *C. P. R. 1258-1266*, 392, 626.

³ A. R. 59, m. 16 d.: 'Nichil presentat villata de Angmodesham, ideo nihil actum est sed pro concelamento predicta villata in misericordia et pro falsa presentatione Ricardi de Cantilupo.'

⁴ *R. H.* i. 46 a: 'H. de Bohun in Angmodesham clamat habere omnes libertates que pertinent ad regale.' This is Humphrey de Bohun the elder. The manor had been held T. R. W. by Geoffrey de Mandeville; *D. B.* i, 149 b.

⁵ *C. P. R. 1258-1266*, 362. Cf. Letters to the men of Kent, *Foedera*, i. 444; *C. P. R. 1258-1266*, 364, for writ to sheriff of Cambridge, and p. 360 for mandate to whole community of Norfolk and Suffolk.

'took the amercements of its court, held pleas and levied aids there by force and distraint which they could not resist'. The plea of *force majeure*, so often made, is upheld by the hundred juries of Aylesbury and Stone, and the town gets off.¹ Aylesbury, Marlow, and Wendover were three principal places in Buckinghamshire that must have proved useful to the baronage; but I can find no trace of the part played by Newport Pagnell or Wycombe, where the justices sat. Turning to Berkshire, we find the vills of Kennetbury and Hungerford in arms, for they are charged with assaulting Marlborough Castle. Hungerford is de Montfort's, so little wonder that it turned out to fight; the two places plead distraint by the garrison of Wallingford Castle—they had to go, but returned as soon as they could.² The grand jury are sympathetic; 'they say that the vills and others too at the summons of the king and the earl, and under threats of death as well as of arson, and compelled likewise by the said garrison, came to Marlborough against their will, but did no harm there.' It must have been a perplexing time, when the simple countryman had to attack the king's supporters at the command of the king himself. In Berkshire there does not appear to be much default. In Northamptonshire eight townships had refused to appear before the *extentores* of the king (undoubtedly the collectors of 1265) and are presented accordingly;³ but there is only one instance of definite collective action upon the part of vills, and that is the raid on Alan la Zuche's park, which, as we saw, was undertaken with the connivance of the abbot of Biddlesden. In Norfolk William le Neuton charges six townships with assault and robbery,⁴ and in the attacks on Robert de Tateshale's manors, where Robert nominates a hundred and thirty men as participants, it seems very likely that the local communities turned out against their lord.⁵ In Suffolk, in the Samford

¹ A. R. 59, m. 17. Wendover was a royal manor which before the war had been granted to Ingram de Fenes (Fiennes), *R. H.* i. 20.

² A. R. 42, m. 3.

³ A. R. 618, m. 7 d.

⁴ C. R. R. 174, m. 7 d. They are Blofield, Lingwood, Hassingham, Buckenham, Brighton, Strishal (? = Straw Hall, Gt. Cressingham).

⁵ For a *précis* of the cases see *Abbreviatio Placitorum*, pp. 162–3. Probably similar attacks on the part of communities were made on his manors in Cambridgeshire and Lincolnshire.

hundred, as many as ten townships refused to reply to the twelve articles before the hundred jury;¹ here and elsewhere in the county the sympathies of the abbot of St. Edmunds must have made themselves felt. In St. Edmunds itself the principal burgesses of the town had refused to help Robert Bradfield, appointed in 1267 guardian of the peace,² to maintain order.³ In contrast to St. Edmunds, Ipswich held firm for the king. The different attitudes adopted by the two towns appear in the first case on St. Omer's Suffolk roll quoted above, which showed that a rebel, Andrew Gurel, could take prisoner a loyalist, Harvey Felden, and incarcerate him with impunity at St. Edmunds, but that when he showed his face in Ipswich he was immediately seized and threatened with death unless he released the man. That Gurel could go to St. Edmunds with a prisoner and lock him up there is significant, and the whole story illustrates not only the attitude of the two towns but the curious characteristics of the disturbance in East Anglia.

The Church, that community of communities, had played no insignificant part. Of the bishops whom de Montfort summoned to his famous parliament eight are sued *coram rege*: the bishops of Durham, London, Lincoln, Winchester, Worcester, Chichester, Ely, and Salisbury, the charges being 'offences against the peace and other transgressions against the king'.⁴ Of the abbots summoned the first three on the list and several others are charged or 'presented'. The abbot of St. Edmunds is alleged by Robert de Tateshale to have participated in the attack on his Norfolk estates,⁵ and in December 1266 we find him paying into the wardrobe £266 13s. 4d. as a fine for having the king's good will.⁶ There seems no evidence to show what personal part was taken by the abbot in the disturbance, but there can be no doubt of the practical value of the Abbey to the

¹ A.R. 821, m. 3 d.: 'De defaltis dicunt quod villata de Peseshall noluit venire ad respondendum super articulis coram xii iuratoribus. Ideo dat 1 m.'

² C. P. R. 1266-1272, 56.

³ *Abbreviatio Placitorum*, p. 163 a.

⁴ C. R. R. 174, m. 24.

⁵ C. R. R. 181, m. 9, no. 184A, m. 18.

⁶ C. P. R. 1266-1272, 525. Cf. Close, 51 Hen. III, m. 7.

baronial party. After Evesham many of the defeated army sought shelter at Bury, for, in John of Oxnead's words, 'the liberty of St. Edmunds was precious in the sight of the barons'.¹ Neutral conduct could not, however, be construed as anything but hostility to the royal power, and the Earl of Warenne and William de Valence, coming to the town in May 1266, charged the abbot and townsmen with favouring the king's enemies, 'because', as Everisden puts it, 'the disinherited barons were in the habit of storing their booty and the produce of their robberies there.' Then, 'when the abbot for himself and his convent made a fully sufficient answer, the officers turned the weight of the charge upon the burgesses, who, answering indiscreetly and without taking counsel with the abbot, made their own guilt apparent to the king's servants.'² From the royal point of view neither answer probably carried much conviction. The abbot of Waltham is among a number of men sued by Peter of Savoy for attacks on his property at Cheshunt. I can find no record of the abbot making his peace with the king; and in view of the royal grant made in 1266 to the convent, to the effect that, as they had sustained great damage through the disturbance, their goods were not to be taken to the king's use against their will,³ it seems unlikely that the abbot was definitely guilty; but the king came upon the convent later, for in August 1268 he requested them to deliver to Walter of London, monk of Westminster, an hundred marks of the tenth of ecclesiastical benefices granted by the Pope to redeem the king's precious jewels pawned beyond the seas, 'as the king has no money in hand for this'!⁴ The third name on the list, the abbot of St. Albans, appears in the Buckinghamshire roll among defendants in the Mursley hundred (where he held Winslow and Horwood⁵) when his attorney presented a royal writ of remission for three hundred marks.⁶ Another

¹ Rolls Series, p. 205.

² *Cont. Florence of Worcester*, ed. Thorpe, ii. 197. Cf. *Memorials of St. Edmund's Abbey* (R. S.), ii. pp. xxxiv-xxxvii.

³ *C. P. R. 1258-1266*, 635. They were accordingly not to be vexed 'by the Constable of the Tower of London'.

⁴ *C. P. R. 1266-1272*, 252.

⁵ Little H., *R. H.* i. 27 b.

⁶ A. R. 59, m. 15 d. The remission is dated in the patent rolls 23 Feb. 1266 (*C. P. R. 1258-1266*, 559).

of the abbots summoned before the justices is the abbot of Nutley, 'presented' in the Tichesele hundred of Buckinghamshire for receiving the king's enemies. The abbot actually appears, and declares that he will answer on behalf of his convent (*pro statu conventus*), although it was his predecessor who was in office at the time of the rebellion. Nutley, he pleads, was founded by the marshals of England and is held of the marshals: the Earl of Leicester 'married the heir' (*desponsavit ipsam quae heres fuit*), so when he wanted to stay there they were unable to turn him away, as he was lord of the house.¹ The abbot's story was corroborated by the hundred jury, who termed the earl *advocatus et superior domus*, and added that the abbot was friendly to the king throughout. Greater suspicion attached to the abbot of Reading, against whom a graver charge was preferred by the king.² He had, according to this, harboured the king's enemies, sent his men against his lord, contributed money to the earl's cause, acted as the earl's envoy (*legatus*) and revealed to him an attempt made by Warin de Bassingburn to deliver Edward from Wallingford Castle, and had bought wood stolen from Roger Mortimer's property at Stratfield. The abbot denied all hostility; he pleaded that the king had ordered his sheriffs to distrain archbishop, bishops, abbots, and priors to send their service to the king at Canterbury, and he only did what every one else did. As he pleaded the king's mandate, he was told to appear before the king at the next parliament.³ His defence on the other points was substantiated by twelve knights of the county. The abbot of Abingdon had a rather similar charge against him, to the effect that he got men for the earl to fight against the

¹ A. R. 59, m. 19: The former abbot was John Crendon, who was summoned to the Parliament of 1265; *Monasticon* (1817), vi. 277. The Austin Priory of Nutley was founded by Walter Giffard, second Earl of Buckingham, in 1162, whom the abbot here terms Marescallus. The bulk of the Giffard estates passed into the hands of Earl William Marshal.

² A. R. 42, m. 10. He was 'arestatus de pluribus inimicitis tempore guerre per sectam domini Regis'—not 'presented' by the local jury.

³ 'Et quia dicit quod hoc fecit per mandatum domini Regis, de hoc habet diem coram domino Rege ad proximum parlamentum. Et ad omnes alios articulos dicit quod non est culpabilis de aliquo sibi imposito et de hoc ponit se in xii milites iuratos.'

king, that he received the king's enemies, subscribed to the earl's side, and employed distraint on a large scale to secure his knights for the Windsor garrison which John Fitzjohn commanded, whereas in time of peace it had been difficult to make him even compound for his service.¹ His defence is interesting. He denied receiving men or subscribing to the funds of the rebels; but he distrained knights from thirty fiefs for the Castle garrison when the constable of Windsor Castle showed him a royal letter which threatened to close the doors of his granges and cellars, thereby cutting off all supplies from the convent, if he refused. He asked for a jury to substantiate his defence, and the case was referred to parliament 'for consultation with the king'.² This seems to be another case of de Montfort using the king's seal at pleasure. Of the other abbots included in the summons to the Parliament of 1265 the abbot of Beaulieu is cited among other defendants in a case where William of St. Omer sues for the destruction of some property in Wiltshire.³ No record of the termination of these cases in Parliament has survived; it is possible that they may have been cut short by composition, fines, or presents. The abbot of Chertsey is accused of lending men and carts to the defenders of Windsor for bringing supplies into the castle.⁴ Of the lower clergy, curates, parsons, and chaplains play their part with their neighbours in the villis. Among the assailants of Tateshale and John de Grey the curate of Waltham Magna and curate of Pleshey⁵ are enumerated. The Bishop of Norwich is commanded to produce the bodies of three clerks who led the attack on one of Robert's Norfolk manors.⁶ In the long lists of

¹ A. R. 42, m. 8 d.: 'Item idem Abbas vix temporibus domini Regis servicium suum in denariis fecit eidem sed tempore comitis coegit milites suos per magnam districtionem adire castrum de Windesore et illud tenere cum Iohanne filio Iohannis.' 'Tempora regis', 'tempus comitis', are striking phrases.

² In the margin are written the words 'respectus ad parliamentum ad loquendum cum domino Rege.'

³ C. R. R. 184, m. 6 d.

⁴ A. R. 42, m. 15 d.

⁵ C. R. R. 178, m. 23.

⁶ No. 181, m. 9 d.: 'Robertus de Tateshale senior per attornatum suum op. se. iv. die v. episcopum Norwicensem de placito quod esset hic

defendants in these actions for robbery a parson or two generally figures; we also find clerks buying, like the chaplain of William, stolen goods, or, like the parson of Peterborough, receiving the fruits of a plundering expedition. Of the usefulness of the lower clergy's help it would be unnecessary to speak. They knew the churches where the local loyalist, afraid of the baronial supporters in his neighbourhood, hid his goods. In the Suffolk pleas analysed below a party that raided various churches contains two *capellani*, and in the same hundred a chaplain was convicted of buying corn stolen from a brother clerk.

It is far easier to pick out from a mass of cases instances where representative members of important communities are concerned than it is to reach clear and incisive conclusions as to what extent those communities were really committed to the policy of opposition to the Government. But it is more difficult still to estimate the part played by the lower ranks of chivalry, and by the mass of villagers and townsmen in the struggle, and that for several reasons. In the first place only a limited body of presentments has survived; and of that material all that comes from Nicholas de Yattendon's rolls needs a great deal of sorting and classification, for his clerk was most unsystematic in the way in which he mixed up the hundreds, and, worse still, regularly omitted to give the status or tenure of the persons presented. The rolls for Berkshire, Buckinghamshire, and Northamptonshire are a doleful contrast to William of St. Omer's comparatively methodical record for the counties of Cambridge, Suffolk, and Essex. In the second place, the verdicts of the juries are frequently unrecorded; we have no means of knowing whether a man was convicted or not, and in many cases have only the *fama publica*—a *fama* six years old—on which to rely. In the third place, there can be no assurance that the returns to the inquiry of 1265, or the presentments of 1267–1270, are in any sense full and complete. These limitations clearly understood,

ad hunc diem et habeat Thomam personam de Heilesdone, Ricardum personam de Fundehale et Galfridum capellanum de Garbaldesham clericos ad respondendum Roberto de Tateshale etc.'

we may briefly survey with the aid of the calendar appended below¹ the personnel of the rebels who took part in the disturbance in a single county. Suffolk, which provides fairly representative material, has been selected for the purpose.

§ 2. *Evidence of the Suffolk returns to the Inquiry of 1265.*

Although the returns do not make it clear whether, when a rebel holds in a certain place, he is seised of the manor or not, it would not be inaccurate to say that at least one important manor in every hundred, except those of Wangford, Hoxne, and Lothingland, is held by a supporter of the baronial cause; in many cases two or three are so held. It should be remembered that in 1265 only the more prominent holders in the counties were presented, the great bulk of the smaller tenants being passed over till the justices came. The number of those now presented is fairly large for the size of the county, and territorially the distribution of their estates over the county fairly even. The proportion, however, of manors of rebels to estates of loyal subjects will not be recognized as a large one by any student of Suffolk manorial history. The rebel interest seems strongest in Bosmere, Babergh, Samford, and Stowe, the central hundreds of the county, and appears to be weakest on the eastern and western extremities. We may classify the principal rebels and their estates roughly as follows:—

[Simon de Montfort	Sproughton, Sampford. Leleseye (probably <i>Lelegay</i> of the Domesday survey), ² in Brent Eleigh, ³ Hundred of Babergh.]
Giles de Argentem	Halesworth, Blything. Berton, Thedwestry.
Henry de Hastings	Otley, Carlford. Lidgate, Risbridge.
Simon de Pateshull	Whatfield, ⁴ Babergh.

¹ See end of present chapter.

² *D. B.* ii. 359 b.

³ W. A. Copinger, *Manors of Suffolk*, i. 37 (cited henceforth as Copinger).

⁴ 'Melding and Whatfield manors' are referred to in a fine of 1256, Copinger, i. 160.

William le Criketot	Ashfield, ¹ Blackbourn. Middleton, Blything.
Ralph de Berners	Leleseye, Babergh. Rougham, Thedwestry. Ikelingham, Lackford.
Emery Pecché	Great Bricett, Bosmere. Little Blakenham, Bosmere.
Hugh Pecché	Beling, Carlford.
William de Golding- ham	Little Belstead, Sampford.
Robert Fitz Nicholas	Finborough, Manor of Stowe Can- tilupes. ²

All these, with the exception of Ralph de Berners, Hugh Pecché, and William de Goldingham, are tenants-in-chief of the Crown,³ members of the *barnagium*. All hold outside the county, as the *Inquisitiones post Mortem*, the *Testa de Nevill*, and the *Hundred Rolls* show, and are, for the most part, mentioned by the chroniclers in their references to the personnel of the baronial party. References to them elsewhere in the 1265 inquisitions⁴ and the presentments make it clear that they played a very large part in the rebellion in East Anglia: in some cases they are described by juries as *principales predones*, 'chief plunderers'.

On the other hand we find a fair-sized group of gentry, many of them termed *dominus*, whose interest seems to be largely local. They may be bannerets, they may be knights holding in chief of the king, but their estates seem confined to their county or its immediate neighbourhood, and do not extend over wider areas of England. Thomas de Hemgrave, Richard de Cornworth,⁴ Roger Loveday, William de Boyton, Henry de Cramavill, Richard de Culeworke, to us shadowy, but to their contemporaries substantial figures, probably supplied considerable local backing to the cause. The great value of the returns for 1265 is that they reveal to us the

¹ This is Ashfield Magna (Copinger, i. 256), which belonged to William Blund, killed at Lewes. The abbot of St. Edmunds had a considerable holding in Ashfield.

² Probably not the Manor of Great Finborough. Copinger, vi. 171, 176.

³ Though they do not all hold in chief in Suffolk.

⁴ See, however, p. 300, n. 6.

presence and support of a fairly numerous county gentry, of whose existence the chroniclers do not give much indication. Now in a number of cases these persons are not, as far as one can judge, 'called up' in virtue of the feudal service which they owe. For example (if returns both earlier and later than 1265 can be trusted to give information accurate enough to apply to 1263-1265) we find that William de Boyton holds in chief in the hundred of Lothingland,¹ that Henry de Cramavill is by serjeanty tenant of the Crown, from which he holds in Kent the manors of Gravesend and Solton, and in Essex the manor of Reynham,² and that Roger Loveday holds of the king by knight service in the (for the time) escheated honour of Peverel, of Sir Robert de Stuteville and John de Bath, though early in the rebellion he might have been called upon to do service to the baronial cause, owing to his holding the manor of Sproughton from the Earl Marshal, Roger Bigod.³ A Thomas de Hemgrave, probably the father of the rebel, is spoken of in 1236 as holding from the Crown the manor of Mutford, with which went the half-hundred.⁴ True, Adam de Cokefeud (Cockfield) is described as holding of the Earl of Gloucester in Multon;⁵ but in the case of Richard de Cornerth,⁶ William de Swinesford, Thomas de Halstead, Walter de Thordon, John de Gurney, and others less prominent, the feudal lien with prominent members of the baronial party is not apparent, and an examination of the returns for other counties will help to support the contention that purely voluntary help was forthcoming from tenants of this class. At the same time such a generalization must be uttered cautiously. Not until some student of feudalism has taken and investigated the names of the rebels mentioned in each county in the returns of 1265 shall we be able to decide definitely on the matter.

¹ *R. H.* ii. 163, 164.

² *Book of Fees*, i. 593. Cf. *Calendar of Inquisitions, Henry III*, no. 727.

³ *Calendar of Inquisitions*, ii (Edward I), no. 643.

⁴ *Book of Fees*, i. 592. Cf. *P. Q. W.*, p. 732, and *R. H.* ii. 192. ⁵ *R. H.* ii. 151.

⁶ Who held in Bures, *Calendar of Inquisitions*, ii (Edward I), no. 127, and in the Essex hundred of Hengham (*C. Inq. Misc.* i, no. 665).

§ 3. *The evidence of the Suffolk pleas.*

The presentments of 1270 bring the reader face to face with the smaller tenant—the man with a messuage and a few acres, whose chattels may be worth anything from five to twenty shillings. About him there are several questions to be asked. In what numbers did he and his like turn out to support the rebel cause? Did he act for the most part under compulsion, and, if so, who brought that compulsion to bear? What forms did his acts of hostility take?

Let us turn to the hundred of Hartismere.¹ The offenders presented are fairly numerous, but the inevitable words ‘and others’, occurring in the presentments, forbid an exact calculation. The first point that strikes the eye is that several gangs of marauders were at work in the hundred, to one of which the title ‘principal plunderers’ is applied. The Pecché brothers, a group from the liberty of St. Edmund, and the important Londoner, Roger de Pivelsdon, acting on the Earl of Leicester’s behalf, have fallen upon Richard of Almain’s manor, robbed it, and sold his goods; a party from Ely has been guided to Eye by a lady who may be the mother or sister of Roger de Merveybie, a ‘*principalis predo*’, to rob a local loyalist, kidnap him, and take him back to Ely with them; another gang, consisting partly of men from the franchise of St. Edmund, has been at work plundering churches, and a party from the hundred of Cosford has been stripping Geringham manor. If we glance at the other hundreds we find that in some cases the same gangs have been at work elsewhere. The Pecchés, for example, have a wide range. Before Lewes they were robbing in Essex;² Hugh Pecché, steward of Henry de Hastings, was one of the most prominent of the defenders of Ely, and had been sending out his men to plunder and steal both in Suffolk and in Cambridgeshire,³ while William had organized an attack on Richard of Almain at Haughley.⁴ Hugh is present with two other ‘principal plunderers’, Ralph de Berners and William

¹ See pp. 319, no. 47—322, no. 77.

² A. R. 237, m. 1.

³ A. R. 821, m. 2.

⁴ See p. 328, no. 131.

de Goldingham, in the attack on Robert de Tateshale's manor at Skelley. Now Goldingham, who seems to have worked with Ralph de Berners and Ralph Gernun, was an Essex man who held in Bulmere,¹ and, like the Pecchés, was in the garrison of Ely. A plaintiff before the justices in Cambridgeshire relates that a rebel whose lands had been confiscated after Evesham, and bestowed on him, resorted to William de Goldingham in Ely and complained of his loss, whereupon William sent his men to rob plaintiff's manor and to carry off the goods to his house in Essex.² The Suffolk presentments also show him sending a certain Richard de Colne to rob Geoffrey de Bodenes. These facts suggest the carrying out of an extensive scheme of pillage by prominent Suffolk members of the Ely garrison, and make one suspect that the more striking raids were planned in the island and carried out partly by its defenders and partly by local insurgents at their instigation.

In the second place there is a great deal of petty robbery done by villagers, and a great deal of receiving or buying of stolen goods. The defendants are quite small holders, and it is impossible to ascertain whether their action is in any way systematic, and whether they acted under duress or not. Generally, when it was known who set them on, the fact is mentioned; the thing was done, the record says, 'ad procuracionem' or 'ad mandatum' of *X* or *Y*. On the whole, the phrase occurs but little in East Anglia, but far more frequently in the more detailed pleas in Buckinghamshire or Berkshire. In the hundreds of Cleydon and Hertismere³ there are presentments of men who 'were with Simon de Montfort' in different parts, or were in the garrison of Alnwick, but there is no indication that they were haled off to go by a powerful leader like Henry de Hastings who, like William de Say, employed threats of burning in Norfolk.⁴ Old grudges may underlie these acts of petty larceny, and there is no need to seek political design everywhere. The groups of Dunwich men

¹ Hunter, p. 138.

² A. R. 83, m. 11.

³ See pp. 317, no. 36; 318, no. 40, and 319, no. 47.

⁴ *C. Inq. Misc.* i, n. 826.

presented in the hundred of Blything for robbery of ships in port or off the coast, or for small robberies, are typical examples of a period of disturbance.¹ Yet the pleas of the hundreds of Sampford and Carlford do not frequently record distraint, and suggest that the local action is taken *mera et spontanea voluntate*: when it is recollected that it is highly to the advantage of defendant to plead distraint the scarcity of this plea in Suffolk will be seen to have considerable importance.

A third point of interest is the number of Essex and Norfolk men presented. Where this occurs in hundreds that do not actually border on those counties, it points to the existence of roving groups or bands which, one would conjecture, moved throughout the eastern counties doing considerable damage and terrorizing the population. This is quite to be expected, and we find the same thing in the Cambridgeshire Assize Roll. This fact has already been commented upon in the section dealing with obstruction offered to the sheriffs in the performance of their duties.

Lastly, the pleas and the returns for 1265 alike raise the question whether any influence was exercised by the abbot of St. Edmunds over his tenants in favour of the baronial cause. Did he, as certain other abbots did, either openly send his service against the king or at least offer no opposition to those of his tenants who wished to go and fight? The pleas themselves make no mention of his helping, whether directly or indirectly, and all we have to go upon is the tenurial relation in which the offenders presented in 1265 or 1270 stood to him, in so far as that can be ascertained. For the eight and a half hundreds² of the Liberty of St. Edmund, where his influence would naturally be strongest, no presentments of 1270 survive. For other hundreds all that we can do

¹ See pp. 315-16, nos. 18-25. Cf. the interesting letter in *Royal Letters*, ii. 320, apparently from some Exchequer official sent down to Dunwich, which refused to pay its farm and was in a considerable state of disorder.

² *R. H.* ii. 151. Babergh (two hundreds), Corsford (half), Risborough, Lackford, Thingoe, Thedwestry, Blackbourne (two hundreds). Cf. Miss L. J. Redstone, 'The Liberty of St. Edmunds,' in *Proceedings of the Suffolk Institute of Archaeology and Natural History*, vol. xv, pt. 2, pp. 200 et seq.

is to compare the names of those presented with the returns of the Abbey's tenants to be found in the records of Solomon of Rochester's eyre in 1283, preserved in John de Lakyng-hethe's register, now among the Harleian manuscripts in the British Museum,¹ and used some years ago by Mr. Edgar Powell for his analysis of Blackbourne hundred.² This method is not wholly satisfactory, because many of the names recorded in the register are of men who hold only intermediately from the abbot, via other persons, and we have no method of knowing whether those other abbatial tenants received any summons or not.

With regard to the hundreds in the Liberty, certain facts emerge. In the hundred of Thedwestry, the prominent rebels presented come from Berton and Rougham, both places where the convent and the abbot respectively are the *capitales domini*.³ In Berton, Giles de Argentem holds 80 acres from the fee of St. Edmund; in Rougham, Ralph de Berners probably held from the fee also. In the half-hundred of Corsford, Ralph appears to have held Leleseye of the abbot, for in 1283 Adam de Cokefeud's (Cockfield's) heir is mentioned as holding the manor from him,⁴ and one can only conjecture, evidence of a fine lacking, that Adam was Ralph's successor. In the hundred of Lackford, Ralph held Ikelingham, in all probability of the sacrist of St. Edmunds, who held of the king.⁵ In the hundred of Thingoe, Thomas de Hemgrave, presented in 1265, held Hemgrave Manor of the abbot,⁶ while in 1283 a certain Thomas, son of Eustace, who may very well be our Thomas de Halstead, is the *capitalis dominus* of Halstead (Howstead), which he also holds from the abbot.⁷ For Blackbourne the evidence is not so good. William de Kirketot (Cricktot), a prominent tenant-in-chief in Suffolk,⁸ held 320 acres of the abbot in Ashfield, but of Nicholas de

¹ Harleian MS. 743.

² In *A Suffolk Hundred in 1283*.

³ Harleian MS. 743, f. 190 b. (Berton); f. 194 (Rougham).

⁴ Ibid., f. 250.

⁵ *R. H.* ii. 151.

⁶ *Calendar of Inquisitions, Henry III*, no. 582.

⁷ Harleian MS. 743, f. 211 b.

⁸ *Calendar of Inquisitions, Henry III*, 704. *R. H.* ii. 151, 171, 172.

Wickes there is little direct trace to be found. It is not possible in the case of each of the rebels presented in 1268 to prove immediate holding from the abbot or convent, but undoubtedly their tenurial relations with the Abbey must have been more or less close ones.

The pleas concern the hundreds outside the liberty. In Hartismere a number of *libere tenentes* of the Abbey are presented for various offences. Robert de Beleacumbe, described as a 'principal robber', Robert Breton, William Bishop, Thomas le Ruter,¹ are before the justices, and Simon de Houton, a free tenant of Gerard de Wattisham, who held of the Abbey, is also presented for buying stolen goods.² Robert Carbunel, presented for robbing Richard of Almain, is *capitalis dominus* of Great Waldingfield which he held from the Earl of Oxford, but did suit to the abbot's hundred court of Babergh. In the other hundreds it is interesting to observe the number of names of men presented whose land or chattels lie in the Liberty.

Now the rights of the abbot over his free tenants outside the hundreds of the liberty of St. Edmunds are said, in Register 'Kempe' of the Abbey, to be exactly similar to those exercised over all men within the hundreds;³ outside the liberty these tenants are in a somewhat different position from other people, for the abbot had a considerable proportion of the criminal pleas, and this fact, together with the knowledge of his sympathy for the baronial cause, will perhaps explain the readiness of his tenants to make such attacks as that upon Robert de Tateshale mentioned above.

I do not think that from the evidence before us we should be justified in saying that direct pressure was brought to bear by the abbot upon his tenants; but it is quite certain that many took part on the rebel side and did more than rob or plunder local loyalists. That this was so may be explained

¹ In Lakyngthe's register, Harleian MS. 743, f. 152 b., they are termed *libere tenentes abbatis de Sancto Edmundo*.

² Ibid., f. 152.

³ L. J. Redstone, *op. cit.*, p. 203.

by the important fact that Henry de Hastings,¹ one of the most prominent baronial leaders, was steward of the Abbey during the period of the disturbance. The stewardship of the liberty passed into the hands of Ralph de Hastings (who succeeded Maurice de Windsor) early in the twelfth century, and seems to have continued in the family. In 1302 inquisition into the office of the seneschal of the Abbey was made before the royal escheator in the Great Court of St. Edmunds, in consequence of the claim advanced by the then seneschal, John de Hastings, to the stewardship, both during the vacancy of the Abbey and during the life of an abbot, when the jurors said on oath that this was the custom in the time of *Henry, John's father, and Henry his great-grandfather*.² The former is our Henry's son; the latter his father, who fought against the young Henry III in 1217.³ That, like his father and his son, he held the stewardship, is clear from the wording of the grant of that office, together with the manor of Lidgate, 'which were late of Henry de Hastings, the king's enemy,' to Gilbert de Clare in 1266.⁴ While the Suffolk pleas themselves do not testify strongly to his local activities, there can be no doubt as to the effect upon the county of having a steward of the great franchise who was one of the most powerful of the Montfortian 'die-hards' after Evesham. On the other hand it should be noted that the stewardship was an hereditary office, and generally performed by deputy.

These facts taken into consideration, there still remain a considerable number of men presented who do not appear connected with the Abbey, or with the important de Veer holdings in the county. They may have been swept into thoughtless crime by the wave of local lawlessness, but when we find the same phenomena in other counties to a more marked degree we cannot dismiss them so simply. Only an exhaustive examination of the other assize rolls would make

¹ See the life of this important figure in *D. N. B.*, ix, 125-7; also Dugdale, *Baronage*, pp. 574-5. The stewardship, being hereditary, may, however, have been performed by deputy.

² Quoted by L. J. Redstone, *op. cit.*, p. 208.

³ Dugdale, *op. cit.*, *ibid.*

⁴ *C. P. R.* 1258-1266, 621.

the position clear, but the impression which one gets is that, while the feudal lien and distraint played a very large part in bringing supporters to the baronial side, a fairly important residuum, possibly of genuine sympathizers, remains, and that that residuum is drawn from smaller tenants of varying degrees of importance.

NOTE A. INQUESTS FOR SUFFOLK, 1265. PRINCIPAL REBELS

Chancery Inquisitions, Miscellaneous, File 30.

<i>Name</i>	<i>Manor at</i>	<i>Arable (acres)</i>	<i>Meadows (acres)</i>	<i>Pasture (acres)</i>	<i>Wood (acres)</i>	<i>Works (or cash equivalent)</i>	<i>Rents of Assize</i>	<i>Total</i>
<i>Hundred of Blackbourne</i> (Liberty of St. Edmund)								£ s. d.
William le Criketot the younger	Ashfield	430	14	6	140	280 autumn 156 winter	8 <i>l.</i> 10 <i>s.</i> 11 <i>d.</i>	28 5 11
Nicholas de Wikes	Wikes	305	3	—	18	112 Gavelacres 560 winter works	4 <i>l.</i> 12 <i>s.</i> 0 <i>d.</i> and 2 lb. cummin	13 16 3
<i>Hundred of Blything</i> Giles de Argentein	Halesworth	348	15	30	—	21 <i>s.</i> 10 <i>d.</i> for autumn works 18 <i>s.</i> 8 <i>d.</i> Michaelmas to August	9 <i>l.</i> 6 <i>s.</i> 8 <i>d.</i>	20 7 4
John de Boun	Braunfield	61	2	5	—	27 <i>s.</i> 1 <i>d.</i> autumn 3 <i>l.</i> 1 <i>s.</i> 9 <i>d.</i> Michaelmas to August	23 <i>s.</i> 6 <i>d.</i>	7 10 0½
William de Criketot	Middleton	120	1	[6 <i>s.</i> 8 <i>d.</i>]	—	12 <i>s.</i> 1½ <i>d.</i> autumn 18 <i>s.</i> 1 <i>d.</i> Michaelmas to August	100 <i>s.</i> Has 13 <i>l.</i> at Westleon	23 9 8½
Walter, son of Simon de Stoven	Stoven	4	—	—	—	—	—	[4 acres are worth 16 <i>d.</i>]
<i>Hundred of Bosmere</i> Roger Luveday	Westhey	140	3	4	6 (minuti bosci)	—	—	4 10 8
"	Little Blaken-ham	160	4	—	3	—	13 <i>s.</i> 4 <i>d.</i>	4 17 2
Almaric Peche [never an enemy]	Great Bricett	300	10	—	20	75 <i>s.</i> per annum	40 <i>s.</i>	9 2 8
	Little Blaken-ham	100	—	3	—	—	—	2 14 6
Thomas de Luton	Bramford	80	8	—	3	—	—	2 12 2

Hundred of Carlford

Henry de Hastings	Otley	100	2	6	24 (minuti bosci)	43s. 6d. [in operibus 6l. 5s. 5d. per annum]	13 6 11
Richard de Argentem	Seckford	13	2½	—	13 (minuti bosci)	28s.	1 14 10½
Simon, son of Simon Hugh Peche	Marltesham Beling	120 50	3 3	8 2	— 7	22s. per annum 351 autumn 350 summer	9 5 6 8 0 8

Hundred of Claydon

John de Munchens	[Helmington and Claydon]	—	—	—	—	—	6l. rents in Hel- mingham and Claydon
John le Cornur (liberty of St. Edmund)	[Helmington] messuage and 6 acres,	—	—	—	—	—	Messuage and land worth 5s. in Helming- ham

*Hundred of Babergh and
half hundred of Corsford*

Ralph de Berners	Leleseye	138	2 acres, 1 rood	22	6½	20s. 9d.	3 17 3
Simon de Pateshull	Wattisfield	100	1½	1½	2	22s. 11d.	1 8 8
Henry de Cramavill	Newton	240	6	6	40	26s. 5d.	6 8 5
Simon de Montfort	Leleseye [Earl of Gloucester's bailiffs refuse to allow seisin to be taken]	—	—	—	—	—	—

Hundred of Hartismere

William de Wortham	Wortham (messuage)	63	Una pecia prati fal- cabilis, val. 3s.	Una pecia val. 8d.	—	22d.	—
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Half hundred of Exning

Giles de Argentem	Newmarket	80	—	—	—	3l. 3s. 4d.	15s. 10d.
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Name	Manor at	Arable (acres)	Meadows (acres)	Pasture (acres)	Wood (acres)	Works (or cash equivalent)	Rents of Assize	Total
<i>Hundred of Lackford</i>								£ s. d.
Ralph de Berners	Ikingham	204	—	—	—	240 from Michaelmas to August	17s. 11d.	3 14 7
John de Gurney	Mildenhall	1 and land leased from Robert de Elvedon	—	—	—	—	—	1 8 4
<i>Hundred of Lothingland</i>								
Richard de Marisco	Yarmouth (houses value 1 mark)	—	—	—	—	—	—	13 4
<i>Half hundred of Nutford</i>								
Thomas de Hemesgrave	Hengrave	120	—	—	—	24s. 8d.	11l. 13s. 4d.	16 1 9
<i>Hundred of Plumsgate</i> [return mutilated]	Benhall	400	21	47	157	3000 per annum	12l.	—
<i>Hundred of Risbridge</i>								
Henry de Hastings	Lidgate	[The jury could make no other extent of the manor on account of Sir Thomas de Clare, to whom it had been granted by the Earl of Gloucester]						60 0 0
Sir Henry Dengayne	Athelington	320	8		40 (under- wood)	16	35s.	9 13 8
[This may have been seized in error of <i>Cal. Inq. Misc.</i> i, no. 835 (hundred of Corby, Northants, where it was stated that Edward found that Sir Henry Dengayne 'had in no way been against the King'.)]								
Sir Richard de Korneth	Denston	120	10		8 (under- wood)	1	4s.	2 13 0

Hundred of Sandford [partly torn]

William de Goldingham	180	5	$\frac{1}{2}$ mark's worth	20 (minuti bosci)	55	60s.	7 2 0
Simon de Monte Forti	180	10	3s. value	10 [under-wood worth 4s. per annum]	10s.	6 marks (4l.)	11 14 4
Hugh de Aungervill	34	3s. value	12d. value	—	—	—	—
Thomas de Sancto Martino	100	2	3	—	—	—	1 16 10
James de Birchey	40	$\frac{1}{2}$	1	—	—	—	0 14 10
Nicholas de Basing	240	6	7	40 (under-wood)	18s. 6d.	8s. 7d. at Michaelmas	8 9 2
[Nicholas de Basing's land was evidently wrongfully confiscated, as he was never a rebel]							
— de Castro	40	$\frac{1}{2}$	—	—	—	—	8 7 8

Hundred of Stow (File 19)

Sir Robert, son of Nicholas	207	6	6	55	14s. 10 $\frac{1}{2}$ d. customary work	[An annual rent 42s. 4d.]	7 12 10
William de Bottune	180	worth 4s.		16 (under-wood)	—	28s. 11d.	4 16 5
Sir Richard de Culewörke	34	worth 3s.		3	7s. 5d. customary work	Yearly rent 9s. 2 $\frac{1}{2}$ d. Land gavel excluding land gavel	1 12 5 $\frac{1}{2}$
Jurdan de Multure	20, 1 rood 1 mes- suage	—	2s. 9d.	1 $\frac{1}{2}$ and 1 rood	—	10 $\frac{1}{2}$ d. Yearly rent 4s.	0 14 9
John de Scordi	28 $\frac{1}{2}$	—	—	—	—	Yearly rent 6s.	0 11 4

<i>Name</i>	<i>Manor at</i>	<i>Arable (acres)</i>	<i>Meadows (acres)</i>	<i>Pasture (acres)</i>	<i>Wood (acres)</i>	<i>Works (or cash equivalent)</i>	<i>Rents of Assize</i>	<i>Total</i>
<i>Hundred of Thel- westry</i> (File 19)								£ s. d.
Giles de Argentem	Berton	107, mes- suages worth 3s.	—	—	—	—	—	1 9 9
John Maunsel	Rougham	100, mes- suage	2½	—	11	200 days' work in winter 80 days' work in August 50 days' ploughing	Quit-rent 20s.	4 10 5¼
Ralph de Berners	Rougham	[As for John Maunsel, but without share in the capital messuage. Held jointly with John Maunsel]						
<i>Hundred of Thingoe</i>								
Thomas de Hengrave	Hengrave	316	16	—	—	800	76s. 6d.	14 6 1½ ¹
Thomas de Halstede	Halsted	110	—	20	10 (under- wood)	900	24s. 9d.	7 8 1½ ²
William de Swinesford	Barrow	140	1 rood	—	3	11	—	7 10 10½
Walter de Thordon	Thordon	18, 1 mes- suage	—	3	—	—	—	0 7 2
<i>Hundred of Thredling</i>								
Sir Richard de Archen- tem	Debenham	30	—	2	1	23s. 6d.	23s.	3 9 1
Sir Adam de Cokefeud	Debenham	60	—	4	2	49s.	46s. 11d.	6 16 3

1 'after 110s. 6d. had been paid to the Sacrist of St. Edmunds, and 10½d. to the abbot.'
 2 'after 40s. had been paid to the Sacrist of St. Edmunds, 2s. 7½d. to the abbot, and 6d. to other lords.'

NOTE B.

PRESENTMENTS FOR THE COUNTY OF SUFFOLK¹
BEFORE WILLIAM DE ST. OMER AND HIS COLLEAGUES,
30 SEPTEMBER 1270

Assize Roll 821

The hundreds for which presentments are made are here taken alphabetically, not in the order of the roll. The presentments are translated and abbreviated. Generally speaking, they are of two kinds: (1) presentments to the effect that the land of a rebel was seized after Evesham by e.g. the Earl of Gloucester; (2) presentments of the actual malefactors themselves with their offences and the value of their lands and chattels. As regards (1), the list below simply records the name of the rebel and the extent (if ascertained) of his holding or the rent derived therefrom. As regards (2), it gives the name, the holding (whereabouts and annual value), and the offence. Details of a robbery are only given where they are important, and the jury's estimate of the damage inflicted is normally all that is appended here.

Where place *alone* is mentioned, the equivalent in the Latin is 'habet terram in ...' with no specification as to its extent.

The following abbreviations have been used:—

c. chattels.	E. in Ely.
v. value.	r. robbed.
a. v. annual value.	m. marks.

The original spelling of place-names has been preserved and the modern equivalent indicated, where necessary, in the foot-notes. In certain cases the spelling in Hunter's *Rotuli Selecti* has needed correction.

<i>Name of Offender.</i>	<i>Land or Messuage; value and whereabouts.</i>	<i>Offence.</i>
<i>Hundred of Blything, m. 6 d.</i>		
1. William de Huntingfeld ²	Manor of Huntingfield seized after Evesham by John de Vallibus. Michaelmas rent, 41s. Issues of mill, 5s.	Not specified, but presented in Inquest of 1265 as a rebel in Norfolk. <i>Cal. Inq. Misc.</i> i, no. 830.
2. William de Kirketot [Criketot in Inq. of 1265. See p. 308]	Land in Middleton and Fordle. Michaelmas rent, 53s. 6d. From aids, 20s. Issues of mill in Middleton, $\frac{1}{2}$ m. Rents in Westleuton [West Leuton] 3 <i>l.</i> 11s. 8d. annually, and aids 40s., seized by Augustine, son of John of Dunwich.	" "

¹ William de St. Omer heard presentments from the following hundreds only: Blything, Carlford, Cleydon, Colne, Hartismere, Sampford, Stow, Wilford.

² His lands were given to Geoffrey de Greynvill. *Terrae Rebellionis* in Hunter, *Rotuli Selecti*, p. 254. He is not presented to the *seistores* in 1265. For the Huntingfield family see Suckling, *History of the County of Suffolk*, ii. 404-407.

<i>Name of Offender.</i>	<i>Land or Messuage; value and whereabouts.</i>	<i>Offence.</i>
<i>Hundred of Blything, m. 6 d. (continued)</i>		
3. Giles de Argentem	Manor of Halesworth ¹ seized by John de Vallibus. Michaelmas rent, 40s. Sale of wood, 6s. 8d. Issues of mill, 5s.	Not specified, but presented in Inquest of 1265 as a rebel. See p. 308.
4. Hamo de Sibeton [Sibton]	Manor of Sibeton, v. 7 <i>l.</i> , seized by John de Vallibus.	„ „
5. John de Sencler Robert de Mundevile, kt. Hugo de Bussey John de Mickelfeld William Dilli de Hukenhelle Robert Cibbil, William's man Edmund de Seincler Peter de Sencler William de Carleton John de Munchenesi, parson Peter le Lung, Sump-ter of John de Seincler Alan [?]muncius ³ Robt' Evel	Liberty of St. Edmund.	At instigation and command of Robert Evel ² attacked house of Richard de Bosco in Walberkwike [Walberswick], stole goods, dragged Richard into Huckenhelle wood, tied him up there, and ill-treated him till he paid a ransom.
6. Alexander Direnol	Dersham [Darsham]. Messuage and 3 acres, a. v. 3 <i>s.</i>	Assisted John de Sencler's group (mentioned immediately above), 'leading them nightly to rob the countryside'.
7. Hugo de Bussei John de Widicote Roger, son of John of Dunwich Peter his brother Andrew Helmeyst of Dunwich Thomas del Mor	Sutwod' [Southwood], hundred of Waleham, Norfolk. Dunwich. ⁴	Came by night to house of William de Bleis in Walpol [Walpole], robbed him of beasts and goods, v. 20 <i>m.</i>
8. Hugo Bussei and others	?Sutwod.	r. Robert de Welle, Chaplain of Blicheburg [Blythborough], and Everard his son.

¹ 'Et postea dominus Rex dedit manerium illud Galfrido de Lesini (Lusignan) cum quo predictus Egidius pacem fecit pro predicto manerio pro ^{xx}iii*l.* libris.' For the Argentem family in E. Anglia, see Suckling, op. cit. ii. 327.

² This is probably Robert Hovel, presented below, p. 315, no. 12.

³ Probably an error of the scribe for *nuncius* Roberti Evel.

⁴ A number of the robberies by Dunwich men are carried out at sea.

<i>Name of Offender.</i>	<i>Land or Messuage; value and whereabouts.</i>	<i>Offence.</i>
<i>Hundred of Blything, m. 6 d. (continued)</i>		
9. Hugo Bussei (predictus Hugo) John de Sukevile and others	Markefford [? for Marlesford]	r. Lady Lois de Laci in Henham, v. 20 m. .
10. William Golde William le Fraunceis [m. 7]	Walbergwike, c. v. 1 m. Walberswike, c. v. ½ m.	r. Reginald, Rector of Halesworth, v. 20s.
11. Andrew Frese John Frese John Holdefare	Dunwich. " "	r. ship putting in at Walberwike of herrings, v. 4 ^l , property of William de Valence.
12. Robert Hovel Robert Kokerel and others	[Hundred of Blackburn. Cf. <i>R. H.</i> ii. 153, 158.]	r. Melles Hall (<i>Aulam de Melles</i>) of beasts, v. 30 ^l .
13. Richard, son of Geoffrey de Kelleshale.	Is a villein. c. ½ m.	r. Ernald le Fol, v. 6d.
14. Mr. Richard de Goseffeld John de Stovene	Stovene. Messuage and 8 acres, a. v. 10s.	r. Simon, son of Hugh de Stovene, v. 60s.
15. Adam Robelin Robert Robelin William, son of Roger le Espicer John, son of Henry, baker of Dunwich Richard, son of Andrew	Dunwich. " " " " "	r. Amisius Schole in West Leuton [Westleton]. " " " " r. Roger Wigot of Westleuton, v. 10s.
16. Luke Engel Thomas del Mor	Dunwich. "	r. ship of Cologne at sea between Estune [Easton] and Dunwich, v. 60 m. Goods taken to Dunwich.
17. William King	Yornigton [? Thorington], 6 acres, a. v. 2s.	Was a principal robber (<i>principalis predo</i>) lying in wait on high road for loyal subjects. Received goods stolen by William de Huntingfeld.
18. Richard, son of John of Dunwich Peter his brother	Dunwich. "	r. John Curteis and his partners, mariners of Dunwich, v. 5 m.
19. Roger, son of John of Dunwich	Dunwich.	r. John Doget of Aldebirii [Aldeburgh], v. 15s.

<i>Name of Offender.</i>	<i>Land or Messuage; value and whereabouts.</i>	<i>Offence.</i>
<i>Hundred of Blything, m. 7, (continued)</i>		
20. Richard Valence	? Dunwich.	r. men of Oisewelle [perhaps Orwell], v. 40s.
21. Richard, son of Andrew of Dunwich	Dunwich.	r. Ernald Fike and Christina Fustein.
22. Thomas Pecche	Norfolk.	r. Richard de Biskell, v. 10 m.
John of Dunwich	Burgess of St. Edmunds.	
23. Roger Bulloke	Dunwich.	r. ship of the Abbat of Leyston [Leiston].
24. Peter, son of John of Dunwich	Dunwich.	r. John Bacon in Cheberton [Sibton], v. 1 m.; did 100s. damage by burning. Abducted Ralph de Ableye.
Andreas Elmeit	"	
John le Chaunceler	"	
Geoffrey Smert	"	
Robert Est and others of Dunwich	"	
25. John Garihow	Dunwich.	An outlaw before the disturbance, he returned during it and was received at Dunwich.
<i>Hundred of Carlford, m. 5 d.</i>		
26. Henry de Hastings	Manor of Otele, seized by Thomas de Clare who received Michaelmas rent of 34s. 2½d.; from the issues of his mill, 32s.; from herbage and meadow, 40s.; from aids, 20s. ¹	Cf. Inquest of 1265, p. 309.
27. Simon, son of Simon.	Manor of Martlesham, seized by Roger le Bigot, then Earl of Norfolk, who received Michaelmas rent of 18s. 4½d.; from 'herbage, meadow, rents, and other issues' John de Vallibus later received 40s.	" "
28. Richard, son of Theobald	Debache [Debach]. Messuage and 5 acres, a. v. 4s. 4d.	r. Richard de Breyuse, v. 8 m.

¹ 'Et asportauit quandam grangiam, precii v. m. . . postquam huius seysina red-dita fuerit in manum domini Regis et antequam Galfridus de Leseni inde habuit seysinam.'

<i>Name of Offender.</i>	<i>Land or Messuage; value and whereabouts.</i>	<i>Offence.</i>
<i>Hundred of Carlford, m. 5 d. (continued)</i>		
29. Mr. Roger de Merk- yate John de Bridbroke	Stutton. Nil.	r. John de Bulger; the stolen goods were received at house of Richard de Breyuse at Haketon [Hasketon].
30. John Faukes William the Chaplain Alan his brother	A messuage and 1 acre (place unspecified).	r. Robert de Tatershale at Buckenham, v. 10 m.
31. Robert Hovel	[See hundred of Stowe.]	r. Richard de Gosebat at Britwelle [Brightwell], v. 10 m., and imprisoned him till he paid 30 m. fine.
32. Mr. Roger de Merk- yate John de Bredebroke ¹	[as above]	r. Henry de Coldecote at Debac [Debach], v. 10 m.; the goods were received at house of Richard de Breuse.
33. John de Merton Robert de Merton William, son of John	Alvesburn, a. v. 3 m. Alvesburn, a. v. 6s.	r. at instigation of Robert de Merton William Plat, a loyal subject in Alvesburn, v. 5 m. ²
34. Robert de Ukenhelle William his brother	Britlewelle [Brightwell]. Messuage and 6 acres.	r. parson of Wadingford [Waldingfield], v. 10 m.
35. Odo de Smalberwe Gilbert, his brother John Hennes Theobald de Denham Richard, his son	Denham, Norfolk.	Burned manor of Richard de Breuse at Bastmere; ³ were received at house of Ralph, the chaplain of Bulge, who has a messuage and three acres.
<i>Hundred of Cleydon, m. 5.</i>		
36. John de Muncewes ⁴	Rents in Helmingham, Cleydon [Claydon], and Hakenham, v. 100s., and elsewhere in the county, v. 100s.	Was with Earl of Leicester at Lewes.
37. William de Freynei ⁵	Bressete [Bricett], 30 acres, a. v. 30s. [hundred of Bosemere].	r. William de Breuse in Akenham of live stock.

¹ Bridbrooke, as above.² 'Que omnia [goods] ducta fuerunt ultra aquam in hundredum de Colneyse et Welforde ubi inquiratur de emptione.'³ Before the battle of Lewes.⁴ Munchens, 1265. Evidently Mountchesney.⁵ Probably de *Fraxineto*.

<i>Name of Offender.</i>	<i>Land or Message; value and whereabouts.</i>	<i>Offence.</i>
<i>Hundred of Cleydon, m. 5 (continued)</i>		
38. Ralph de Grocene Walter, his son Laurence Gest	Hold in hundred of Bac- bern [Blackbourne]. Netlestede [Nettlestead], hundred of Bosemere	r. parson of Besham of tithe and corn, v. 8 m. ¹
39. Nicholas and Richard, sons of Ralph Man- chard Robert Felecrum		r. Nicholas de Weylond and Martin de Ecclesia of live stock. ²
39 a. Ivo le Sergaunt John [le Sergaunt?]	Nil.	Received and sold stolen goods.
[m. 5 d.]		
40. Henry le Cornur	Helmingham, 5 acres, a. v. 20 d.	Was with Simon de Montfort; with others r. Gilbert de Coleville.
41. Thomas le Cornur	Helmingham, 1 acre, a. v. 6 d., and other land in Otele.	Was with Earl of Leicester at Dockingge and r. John Luel of live stock.
<i>Hundred of Colneis, m. 6.</i>		
42. John de Seincler	Liberty of St. Edmund.	r. Thomas, parson of Hel- mele, v. 20 m. Frequented house of Richard de Gosebeke [Gosbeck] at Britwelle. ³
Robert de Hokemil Humphrey Broke- seued.	Hundred of Hertesmere. [‘De quo superius pre- sentatum est.’ No trace appears.]	
43. Wyatt (<i>Wyotus</i>) Widelen	Cotele [Cotley].	r. John Hovel, parson of Butlesham [Buckles- ham], v. 3 l. ⁴
44. Robert de Hilton	Waldringfeld, hundred of Carlford.	Was in Alnwick Castle against the king.
45. Merchants of St. Ed- munds	St. Edmunds.	Bought stolen goods. ⁵
46. John Crowe		Received the king's ene- mies, to wit Edmund Exeport of London and John of Normandy.

¹ The sense is a little difficult; the text should read (cf. Hunter, who misreads two words): ‘depredati fuerunt acras persone de Besham de decimis et bladis suis ad valenciam octo marcarum, quos Simon de Watfeld ammoveere volebat et ipsi ei dederunt xls. ut predicta bona depredari possint’, i.e. they gave Simon de Wattisfield 40s. for allowing them to rob the parson's land. Was Simon the local reeve?

² Jury acquits.

³ Jury acquits Robert de Hokemil and Richard de Gosbeke for receiving stolen goods. John de Seincler defaults and his land is seized.

⁴ This is followed by the sentence: ‘Et preceptum est vicecomiti quod venire faciat iiij villatas ad inquirendum plenius de quinque porcuum [portuum] qui fuerunt predones apud Godeford et Erewelle’ (i.e. along the coast near Aldborough).

⁵ I am not quite sure of the meaning of this presentment. It appears that the merchants bought the stolen goods in the hundred of Sampford.

<i>Name of Offender.</i>	<i>Land or Messuage; value and whereabouts.</i>	<i>Offence.</i>
<i>Hundred of Hértismere, m. 2 d.</i>		
47. William de Wortham	Wortham. Michaelmas rent, 12 <i>d.</i>	Against king at Evesham (killed).
48. Thomas le Breton	Wortham. Messuage and 3 acres, a. v. 2 <i>s.</i>	Was a 'Principal plunderer'.
William le Breton	Wortham, 3 roods, a. v. 6 <i>d.</i>	" "
Robert de Beleacumbe, tenant of Thomas le Breton	Wortham.	" "
Roger de Merveybie	Eye	" "
Peter Oldcope	Kocfeld [Cockfield], hundred of Babbergh.	" "
Ralph de Culpho	Wortham, a. v. 4 <i>s.</i>	" "
Christiana de Wortham	Wortham; holds land of Ralph de Culpho.	" "
49. Bernard del Howe	Jakele [Yaxley], a. v. 2 <i>s.</i>	'Principal plunderers.'
William del Howe (uncles of Roger de M[?erveybie])		
50. Robert Carbunel	[Northants, Essex, and elsewhere.]	r., at Eye, Richard King of Almain of corn and goods, and destroyed his preserves. Damage, 100 m.
Robert, Thomas, and William Pecche ¹	Liberty of St. Edmund.	
Richard de Kerebrok		
Robert Symung and others		
51. John Gaugi and other robbers of the island	Wortham, a. v. 1 <i>s.</i> 6 <i>d.</i>	Came at instigation (per procuracionem) of Sabina Merveybie by night to the house of Richard de Suddon in Eye, robbed him of gold, silver, and goods, v. 20 m., and carried Richard off to Ely.
52. Roger de Pivelesdon ²	London.	On behalf of the Earl of Leicester seized all the goods of Richard King of Almain in Gosewold, cut down his wood, and sold material for 100 <i>l.</i> Seized goods, corn, and wood of William de Gosewold and sold them for 60 <i>s.</i>

¹ The Pecché (Peachey) brothers were prominent defenders of Ely: cf. A. R. 821, m. 1 d. (Hunter, p. 216), 'ubi Herueus Felledon filius Willelmi Felledon captus esset per Hugonem Peche et Robertum Peche tunc in insula de Ely existentes contra dominum Regem.' Robert Pecché's land in the hundred of Corby, Northants., was seized by Edward's bailiffs after Evesham, but the local jury declared that he was not against the king. *Cal. Ing. Misc.* i, 835.

² This is the Roger de Pivelsdon, citizen of London, named in the Wardrobe schedule of Londoners 'who had of their own will adhered to the Earl of Leicester during the time of the disturbance committing robberies both within the city and without.' *Lib. de Ant. Leg.*, pp. 119-121.

<i>Name of Offender.</i>	<i>Land or Messuage; value and whereabouts.</i>	<i>Offence.</i>
<i>Hundred of Hertismere, m. 2 d. (continued)</i>		
53. Philip de Assewelle Wufridus de Devars- ton and others un- known	Nil. Hundred of Cosford.	r. Hugh Gernegan in Ger- negan, v. 161.
54. Richard de Watfield	Rendlesham and Lethir- ingham, hundred of Lose.	r. Hugh Geringham, v. 9 m.
55. Hugh de Smalberwe	Smalberwe [Smallburgh], co. Norfolk, and in Essex.	r. Semannus, servant of William de Gerardeville, and Richard le Porter, Keeper of the Peace, of goods v. 100s.
56. William Nortwode	Brisingham, co. Norfolk.	Killed Henry Cocerel of Mellis, a loyal subject.
57. Geoffrey de Wortham	Wortham. Messuage and 3 acres, a. v. 2s. 6d.	Received Roger, son of Andrew, merchant of Wortham, who had been outlawed for robbery and had returned during the disturbance.
58. Simon de Houton	Wortham, a. v. 3s. 6d.	Bought corn stolen from parson of Paugrave [Pal- grave].
Henry the Chaplain ¹ Ralph Wallot	c. v. 20s.	" " Bought forage and straw from same house.
59. William Bissop	c. v. 1 m.	Bought straw and corn.
William de Hacche	c. v. 12d.	" "
Matilda Eved	c. v. 3s.	" "
Thomas Sirrewe	c. v. 3s.	" "
60. John de Stratton . . Thomas de Brising- ham Ipswich, messuage.	Bought from William de la Hoo, robber, 30 sheep, stolen from John Lestrangle. ²
61. Ralph le Paumer	Haule [Haughley], hun- dred of Stowe.	Bought stolen goods from same.
Adam Outlawe of Werthedene [Wy- therden]	Nil.	" "
John Cat of Havele	c. v. 41s.	" "

¹ 'Et predictus Henricus Capellanus venit et dicit quod nullum bladum emit, ponit se super patriam, et iuratores dicunt super sacramentum suum quod emit predictum bladum, Ideo cantabit lx missas pro Rege et Regina et liberis suis.'

² John's defence is that the sheep were stolen by William del Hoo from William de Wortham, the king's enemy. It turns out that William de Hoo was William de Wortham's bailiff, and William had seized the Lestrangle manor in Norfolk. Hoo seized William de Wortham's goods and property when he heard that his master had been killed at Evesham, and disposed of part of them to Stratton. Stratton is pardoned.

<i>Name of Offender.</i>	<i>Land or Messuage; value and whereabouts.</i>	<i>Offence.</i>
<i>Hundred of Hertismere, m. 2 d. (continued)</i>		
62. Robert Man of Fingham	Fingham, c. v. 15 <i>s.</i> ; land, v. $\frac{1}{2}$ m.	Bought goods stolen from the parson of Riginghale [Kythenhal].
63. Walter Portehors	Eye. Land and chattels.	Bought goods stolen by Roger de Pivelesdon from William de Gosewold. Bought wood from same source.
[m. 3]		
64. John and Henry, sons of Matthew de Culing' [Cowling].	Hundred of Risborough.	r. parson of Notton' [Nowton] of horses and goods, v. 12 m., which were taken off to St. Edmunds.
65. Roger de la Houe William de Hokeville	Nil Jakele [Yaxley] by courtesy of England, a. v. 20 <i>s.</i>	r., by night, Edmund de la Grene of Cotton, 17 <i>s.</i> damages.
66. Robert de Boys of Thornham	Little Yornham [Thornham parva], a. v. 10 <i>s.</i>	„
67. Humphrey de Divershton	Hundred of Cosford.	r. Abbot of Colchester at Witham of stock and other goods, v. 40 <i>l.</i>
Thomas Russel of Wattisham	„	
Salomon de Illeye	„	„
Thomas de Forest of Illeye	„	„
68. Robert de Bois of Thornham	Thornham [as above].	
William Feraunt and others unknown	Burgate 3 acres, and Acolt [Occold] 3 acres.	r. Thomas Gireyn, 2 m., and Ernald de Giselingham [Gislingham] of goods, v. 2 marks. ¹
69. John Wate, a villein, and others	c. v. 4 <i>s.</i>	r. Clariscia [Clarissa] Wisman of goods, v. 20 <i>s.</i> ²
70. John de Sancto Claro	Bradfield, hundred of Thedwardestre, liberty of St. Edmund.	r. William de Gosewold of goods, silver, clothes, &c., v. 100 <i>s.</i>
71. Harvey Todding and others	Horham, hundred of Oxnee [Hoxne], v. 5 <i>s.</i>	r. Richard de Hoppere of Walberdwike [Walberswick], hundred of Blything, v. 10 marks, took him to the park of Hugh Geringham and kept him there till a fine of 100 marks had been paid. ³

¹ William pleads that he 'per vim Rogeri de Lowe et Willelmi del Howe et aliorum malefactorum ductus fuit ad roberiam illam' and did no damage. A jury confirms this.

² He is convicted. 'Et quia villanus est dat dimidium bonorum suorum.'

³ Harvey is also a villein and pays half his goods (i.e. 2*s.* 6*d.*). 'Quia villanus est assignatur (sc. redemptio) Waltero filio Bernardi.'

<i>Name of Offender.</i>	<i>Land or Messuage; value and whereabouts.</i>	<i>Offence.</i>
<i>Hundred of Hertismere, m. 3 (continued)</i>		
72. Simon de Watfeld [Whatfield], Sir Richard, his son (dominus Ricardus), and others	Whatfield.	r. William Talebot at Rikingale [Rickinghall], v. 10 marks.
73. Gilbert de Bridebrok Alan Tubaund	Norfolk.	r. Richard de Hetcham [Hitcham, hundred of Cosford] at Giselingham and Thornham of live stock, v. 5 m.
74. Gervase Gernun	Nil.	r. churches of Haspalle [Aspall], Rishangles, Acolte [Occold]. ¹
Richard de Flenton [Flempton, hundred of Thingoe]	„	„ „
Randolph 'le Glase- newnte' de Bures	„	„ „
Robert of St. Ed- munds	„	„ „
William, his son	„	„ „
Robert, the Chaplain of Fordham	„	„ „
Ralph the Chaplain (Capellanus)	„	„ „
John de Luton	„	„ „
Haukinus de Saham	„	„ „
John Swit	„	„ „
William Tot of Che- micton [? Chedis- ton]	„	„ „
John, Clerk of St. Edmunds	Liberty of St. Edmund.	„ „
John Robin of Tirs- ton [Thurston, Thedwestry]		
75. Richard, son of Mary	Norwich.	Was bailiff of the Earl of Leicester at Eye.
76. Richard Cissor of Thornham Parva	Thornham Parva.	Several times received Roger del Howe, 'prin- cipal plunderer'.
77. John Kippelond Laurence de la Grene	Mendilisham.	Received Nicholas Old- cope and Peter Old- cope, robbers.
<i>Hundred of Sanfford [Sampford], m. 3.</i>		
78. Alberic de Monte Kaniso ²	Stanstede near Alstead, co. Essex.	r. prior of Leges [Lees] of 36 sheep and other goods, v. 50s.
Walter de Stanham	[inquiratur.]	

¹ 'Cum qua roberia capti fuerunt et decolati'—a piece of summary justice.

² Mountchesney.

<i>Name of Offender.</i>	<i>Land or Messuage; value and whereabouts.</i>	<i>Offence.</i>
<i>Hundred of Sanfford [Sampford], m. 3 (continued)</i>		
79. Philip, clerk Richard de Bolemere Robert Cocus [Cook] John de Beauchamp and others	Essex [inquiratur].	r. John de Berking of corn, v. 40 m., in Wenham Parva, and of live stock, v. 40s., received at house of William Suttlebos (Sulboys?).
80. George le emieyse	Wenham and Stratford, v. 10l.	Was at Lewes [inquiratur].
81. William de Monte Kaniso and his men	Edwardeston ¹ (Babergh).	r. parson of Wenham Parva.
82. Reginald Filiol Walter, his brother John de Aldham	Nil. "Aldham, hundred of Lexenden (Essex).	r. William de Wenham of live stock and goods, v. 10 m.
83. Gilbert le Poer	Grotene [Groton], hundred of Cosford.	r. Benedict, servant of Robert de Tateshale, of 1 horse, v. 20s.
84. Robert Tibot	Floketon [Flowton], hundred of Bosemere.	r. Robert de Tateshale of an ox and 3 cows in Selfgeye. ² r. Hugh the reeve of lambs and pigs. r. Robert de Tatershale at Sellee. ²
85. Robert Bule of Haules John le Pouere	Hundred of Stowe. Hundred of Hertismere.	
[m. 3 d]		
86. Hugh Pecche Ralph de Berners William de Goldingham	As above. <i>Cal. Ing. Misc.</i> i, 888 [Leleseye], 898 [Ruham]. <i>Ibid.</i> , i, 896 [Little Bilstead.]	r. Robert de Tatershale of live stock at Sellee. The pigs were driven off into Essex.
87. Roger Gumer	[Inquiratur].	r. Robert de Tatershale at Selhawe of corn, v. 8s., and cut down his wood, v. 40s., carrying off both to Ipswich.
88. Roger de Merkeyate Ralph Buke [Buck]	a. v. 10s.	r. mill belonging to Nicholas de Basinges in Sanford and Stutton, damage 5 m. r. William le Ruter at his house in Braham of 24 ells of russet, v. 20s.

¹ 'Postea testatum est quod predictus Willelmus nullam terram [habet] extra libertatem sancti Edmundi, ideo ponitur in respectum usque ad placita de libertate illa.' No record of the pleas of the liberty appears to have survived.

² Selfgeye, Selhawe, Sellee, are identical: the name might vary as much as that of Tatershall himself. This is, of course, Shelley Hall Manor; see Copinger, *The Manors of Suffolk*, vi. 79. For Tateshale's holdings-in-chief cf. *Calendar of Inquisitions*, ii, 4.

<i>Name of Offender.</i>	<i>Land or Message; value and whereabouts.</i>	<i>Offence.</i>
<i>Hundred of Sanford [Sanpford], m. 3 d. (continued)</i>		
89. Agnes Filiol	Land in Wenham Parva seized because her son (probably Baldwin Filiol) was in Ely. Michaelmas rent, 10s.	
90. William de Mewling	Badberwe, liberty of St. Edmund.	r. Roger de Merchate (Merkyate above) of 2 horses.
91. Baldwin Filiol John Ballard Alexander de la Bare	Hundred of Wyham, co. Essex. Liberty of St. Edmund.	r. Robert de Tatiston [Tattershall ?] of live stock, v. 24s.
92. Ralphe de Badele Alexander Waggestaf	Freston, a. v. 20s. Nil.	Took Bonde Runting and Simon Edwine at Chelmin-ton, and imprisoned them in the house of Roger de Reymes in Werstede.
93. William de Kirketon Reginald de Kirketon	Kirketon, 3 acres, a. v. 12d. Kirketon, 30 acres, a. v. 12d.	r. William Blosse, 3 quarters of corn, v. 12s. r. Richard de Ragmedwe of chattels, v. 20s.
94. William le Taylliur de Kapeles Peter de Somerton	Nil. [Died.] ,, ,,	r. Abbot of Albemare at Belstede of 12 oxen, 40 cows, &c., v. 18l.
95. Geoffrey de Wenham	Wenham, 30 acres, a. v. 30s.	Received goods of the above robbery.
96. Robert Pese	Land, a. v. 10s.	Received corn and goods stolen by John de Berking.
97. Richard de Colne John Videslu Philip Widelen	Hundred of Lexeden. [Dead.]	r. William de Torp in Edeswardeston [Edwardeston] of live stock.
98. Reginald Foliol and others	Nil.	At instigation and command of William de Goldingham, r. Geoffrey de Bodenes of live stock.
99. Robert de Feringes Richard de Molendino	2 liveries in St. Botolph's Priory, Colchester.	
Stephen de Brom William de la Tye Gerard le Bret Gilbert Lesqueu John de Lee Walter Verri Walter le Carpenter Henry, son of Lewis Robert Boyman John Fullo Walter Pistor William de Norcust Henry de Boxslade Robert de Maunde-ville	Essex. ,, ,, ,, ,, ,, ,, ,, ,, ,, ,, ,, ,, ,, ,,	r. Robert de Reydon of horses, arms, goods, v. 40 m.

<i>Name of Offender.</i>	<i>Land or Messuage; value and whereabouts.</i>	<i>Offence.</i>
<i>Hundred of Sanfford [Sampford], m. 3 d. (continued)</i>		
100. Peter de Bocking Nicholas de Patesmere	Essex.	r. William de Reydon at instigation of Peter de Sinniton, v. 4 m.
101. Simon de Assewelle John de Horstedene John de Wyham	Essex	r. parson of Reydon, v. 16s.
102. John de Tudeham Richard de Benges	Reydon.	r. Thomas de Sancto Martino of 2 horses, oxen, and corn, v. 100s.
103. John de Koppedhoc and others unknown Robert de Koppedhak'.	Land, v. 40s. [See no. 108 <i>infra</i> .]	r. Geoffrey de Bodenes of 2 horses at Bodenes. Received the stolen goods. ¹
104. Edmund le Dulbere Estacius le Dulbere	Live at Ipswich.	r. Kinchissanke (?) and Laverete Urri in Catigeston, v. 40s.
[m. 5]		
105. Fulco de Vallibus		Seized lands of William le Fre in Belstede and held them till William had paid a fine of 12 m. ²
106. Ida, wife of Robert de Reydon		Bought of the robber, John de Wyham, corn v. 4 $\frac{1}{2}$ of the grain seized from the parson of Reydon. ³
[Names of a number of defendants presented for buying stolen goods follow. Most of them come and make a fine. They are mostly villagers whose chattels are worth anything from 20d. to 20s.]		
107. John Mareschal of Wiham	Essex,	r. church of Reydon of 21 quarters of wheat and a coffer.
108. Robert de Koppedhoke	[? Copdock, where he has view of frankpledge. <i>P. Q. W.</i> , p. 736.]	r. and took into Ely Andrew Pacche, at instigation of Robert de Koppedhoc, and kept him there till he had paid William de Goldingham a fine of 9 m.
109. Nicholas de Basinges, citizen of London.	Manor of Stutton seized by John de Dikele and Benedict de Blakeham. Michaelmas rent, 20s., a. v. 10 $\frac{1}{2}$.	A Londoner.

¹ Jury of the *patria* acquits Robert de Koppedhoc, and the other jury is in mercy for false presentment.

² 'Et quia nescitur si fuit contra dominum regem necne, ideo preceptum est vicecomiti quod eum venire faciat die Mercurii ad se acquietandum.'

³ 'Ponitur in respectum ad instantiam Ricardi de Holebroke quia predicta Ida moram trahit in Ybernia.'

<i>Name of Offender.</i>	<i>Land or Messuage; value and whereabouts.</i>	<i>Offence.</i>
<i>Hundred of Wilford.</i>		
110. John de Peyton	Peyton, a. v. 10 <i>l</i> .	r. Prior of Buttele of his corn in Ramnesholt, v. 10 <i>l</i> . Took William the Chaplain of Gissing and imprisoned him till he had paid a fine of 5 m.
111. Simon de Risinge	[<i>dicendum est de terris.</i>]	r. Alexander Crispin of Dallingho of a horse at Bromhale.
112. Richard de Benges	Petrestre, a. v. 40 <i>s</i> .	r. Thomas de Lupton of stock, &c., v. 20 m.
113. Robert Burel	Dalingho, messuage and 3 acres, a. v. 2 <i>s</i> .	r. Humphrey de Devers-ton, v. 20 m.
114. John de Riveshale Godfrey de Beymond	Anowingele, within liberty of St. Edmund.	'Principal robbers', r. Gilbert Pecche of Sugelo of stock, &c., v. 8 m., and William de Cruce, v. $\frac{1}{2}$ m.
Richard, son of Bartholomew de Tudeham	Liberty of St. Edmund	
Philip de Assewelle	"	
115. Roger de Witlowe Seman le Puleter	"	Received the stolen goods.
<i>Hundred of Stowe,</i> ¹ m. 2.		
116. Harvey, son of Ralph le Mestre	Haule. His father's chattels, v. 1 m. ²	In E. of his own accord.
117. Geoffrey, son of Sampson of Batesford [Battisford]	Lives at St. Edmunds.	'With the robbers of the island robbing the countryside.'
118. Roger de Coleville Robert Russel, then constable of Oreford	Land (<i>amount unspecified</i>) already seized. Nil	r. Abbot of St. Osith at Stowe, damage 100 <i>s</i> .
119. Peter de Mewling	Mewling, hundred of Badberwe. ³	r. township of Stowe, damage, 40 m. Dragged two felons away from sanctuary in Stowe Church.
Robert de Hunster-son' (deceased)	Goods now in hands of bailiffs of St. Edmunds.	" "
John de Fornham	From liberty of St. Edmund, Lackford.	" "
Stephen le Wilde	" "	" "
Robert Scobelot of St. Osith	" "	" "
Nicholas Hunte	" "	" "
Peter Passemer	" "	" "

¹ Stowe presentments begin with the names of William de Boyton (*Bottune* above), Ralph, son of Nicholas (Manor of Finborough, now held by John Giffard), Thomas Weylond (Manor of Onehouse). There is no mention of three other rebels returned as such in 1265, Richard de Culeworke, Jurdan de Multune, John de Seordihek.

² Evidently a minor, as his father pays for him.

³ This must, I think, be Milden Manor of *R. H.* ii. 142, 151, and Copinger, op. cit. i. 158.

<i>Name of Offender.</i>	<i>Land or Messuage; value and whereabouts</i>	<i>Offence.</i>
<i>Hundred of Stowe, m. 2 (continued)</i>		
120. William de Prato	Stowe. Messuage, a. v. 12 <i>d.</i> , c. v. 12 <i>s.</i> 6 <i>d.</i>	Bought goods stolen by the men of Hugh Pecché from the Abbot of St. Osith.
Thomas, the clerk of Badele	Bosemere hundred, land v. 18 <i>d.</i>	
121. William le Bocebere de Stowe	c. v. 2 <i>s.</i>	Bought stolen goods.
122. William de la Howe	Melleys [Mellis], 10 acres, v. 5 <i>s.</i> Messuage and meadow, a. v. 3 <i>s.</i>	r. Margery de Kret in Kombes, damage 20 m.
123. Miles de Monteni	Nil.	Killed two men and did other robberies. ¹
Roger le Messer	Nil.	"
William de Gosewold	Randstone [Brandiston, hundred of Loes?], a. v. 1 m.	"
124. William, son of William (deceased)	Thorpe, hundred of Coseford, 60 acres.	E. Plundered parson of Kombes and others, v. 10 m., and Adam de Burefford and others, v. 6 marks.
Thomas de Sunpling [Sympling] [hung]	Aseton [Arsington], hundred of Badeberch [Babergh].	" "
125. John Brundich, Goldsmith	Lives at St. Edmunds.	r. Constance de Grimmes-ton, v. 10 m.
John de Munchenesi (Mountchesney)	" "	"
126. William Brien and others	Waudeffild [Waldingfield?], hundred of Badberwe.	r. Nicholas Burgsede, v. 2 marks, and the parson of Buxhale, v. 30 <i>s.</i> Other robberies.
127. John de Taleworth and others	Asseffeld [Ashfield], hundred of Blackbourn in the liberty of St. Edmunds.	r. John Giffard in Fineberwe [Finborough], v. 20 <i>s.</i>
128. Alan Fauntes, knight, of Cambridgeshire	Badlingham, co. Cambs. [now co. Suffolk].	r. Henry de Kaldecote at Honus [Onehouse], ² v. 60 m.
Robert de Hoo	Brunford [? Brentford], and elsewhere in the liberty of St Edmund.	" "
John Punchard	Nil.	" "
Roger de la Grave	"	" "
Richard Punchardon	"	" "
John del Hoo	Land in Redgrave.	" "
Gilbert de Aumonerie	Batlesdene, hundred of Edwardstre [Thedwestry].	" "

¹ William de Gosewold is acquitted by the hundred juries of Stow and Hartismere.

² The *D. B.* spelling is Anehus.

<i>Name of Offender.</i>	<i>Land or messuage; value and whereabouts.</i>	<i>Offence.</i>
<i>Hundred of Stowe, m. 2 (continued)</i>		
129. Ralph Finhoc	Formerly held in the liberty of St. Edmund.	r. Henry de Kaldecote at Honus [Onehouse]. v. 60 m., at instigation of William de Buthale, who holds in Assefeld [Ashfield]. hundred of Blackburn [Blackbourn].
Thomas, his brother		E. and a prominent robber. ²
130. Edmund Sewalus [Sewell] ¹	Dageworth', 3 acres, v. 18d.	
131. William Pecche	Falsham, Tedward hundred.	r. Richard, king of Almain, at Haulee [Haughley], v. 30 m.
Robert Sinning	St. Edmunds.	
132. Roger, son of Philip	Querele [? Quarles, co. Norfolk].	r. Athelina de Berneville at Neuton.
Fraser [Farrer] de Brunford	Of Essex.	
133. Thomas de Watthisham	Wattisham.	r. Robert, son of N. de Fineberch, of 1 ox, v. 40d.
134. William de Karrewe, tailor	c. v. 2s.	Received Roger del Howe, a 'principal plunderer'.
135. John de Dikele	Co. Norfolk.	Was at Northampton against the King. r. Richard de Gosebeke in Thorney.
[m. 4.] (<i>Schedule.</i>)	<i>The Robberies at Shelley, hundred of Sampford.</i>	
Gilbert le Poer		r. Benedict, servant of Robert de Tateshale, at Sellege (Shelley).
Robert Pibot		r. Sir Robert de Tateshale of live stock, v. 25s.
		r. Hugh, parson of Sellege, of pigs and lambs, v. 5s.
Roger de Thorp	Norwich.	r. Robert de Tateshale of stock, v. 15s.
Robert le Bule and others unknown	Hagele (Haughley?)	r. Robert de Tateshale and sold some of Robert's wood to Nicholas, the Bishop's servant. The stuff was conveyed to Ipswich to Nicholas's house.
Hugo Peché	<i>C. Inq. Misc.</i> ut supra.	r. Robert de Tateshale at Sellege of stock, v. 9l. 2s. 8d.
Ralph de Berners		
William de Goldingham		
Roger Gower		r. Robert de Tateshale of straw, &c.

¹ Died during interval between first and second hearing of case. His land was redeemed at 5 years' rate, so evidently he was considered guilty.

² Here follows a list of the *emptores roberie* together with their chattels, who took advantage of Sewell's depredations to buy stolen goods.

SOME CONCLUSIONS.

THE foregoing studies have been concerned, one with a series of judicial and legislative experiments, the other with a crisis in our territorial system and the work of the administrative machinery which had to cope with it. Both the experiments and the administrative crisis are in essence preliminaries respectively of the great measures of Edward I's reign, the Statutes of Westminster I and of Gloucester (via the Statute of Marlborough) and the Inquests of 1274-1275 embodied in the Hundred Rolls, and of Quo Warranto. Of the former of these two inquiries a scholar recently wrote that 'it ceases to stand out as a unique act of royal policy. It falls into line with a long series of administrative inquests, stretching from the time of Henry II onwards, and its close kinship with the general eyre, that most effective instrument of the supervision exercised by the central over the local administration, becomes evident'.¹ In the light of the Inquest of 1258 and the eyre of the justices *de terris datis et occupatis* we may endorse this judgement, and may venture to add that the special eyre after the rebellion cannot but have revealed to the administrators of this country the need for bringing under review, more comprehensively than ever before, both the local official and the private franchise. The business of these successive inquiries varied widely; but beneath the special results that were the outcome of each there is a general substratum of experience gained in the administrative and jurisdictional aspects of local government, and to that experience the years of disturbance and the subsequent process of settlement can have made no small contribution. In its attempt to control the king's actions baronial government failed, for monarchy was still too preciously personal a thing to be subjected to the tyranny of committees and departments; but what baronial government did for our polity was to demonstrate the intimate and inseparable connexion that must exist between administrative inquiry and

¹ H. M. Cam, *Studies in the Hundred Rolls*, p. 7.

legislative enactment, a connexion which the Edwardian jurists grasped with consequences of the highest and happiest moment for the future course of the common law.

To turn from the general to the particular once again, we may take up the problem mooted at the beginning of this work—the relation between the constitutional and unconstitutional phases of the baronial movement.

The preceding chapters have amply shown that the identification of the discontented tenants on whose behalf complaint was made in 1259 with the supporters of de Montfort in 1264–1265 who lay outside the circle of the *barnagium* proper must remain purely a matter of hypothesis. At the same time, if on grounds of evidence positive identification must be ruled out, it is not impossible to establish some connexion between them. The four main considerations advanced in the course of this study have some bearing on this problem, although the gaps to be filled are very large ones.

First, the existence in certain counties of a state of affairs which called urgently for the reform of local administration. This is clearly shown by the body of complaints that came before the Justiciar in Surrey and Kent, charges for the most part well established. The need for some system of controlling the officials of leading magnates as well as the royal officers must have been clearly borne in upon the Justiciar, even before the formal complaint against the baronial leaders was made in 1259. In the light of later experience we might say that everything pointed to the need for Justices of the Peace who could terminate as well as hear. But that time was not yet.

Secondly, the existence of the demand for reform and the Government's comprehension of it. The French version of the Provisions of October, 1259, if we may take this to embody the suggestions of the bachelery, is in this connexion a document of the highest importance, for the clauses omitted in the Latin version are in themselves a demonstration of that demand. The response to the invitations to state grievances by the method of *querimonia* leaves no doubt as to the

state of feeling in 1258 and 1259; and the way in which plaintiffs availed themselves under the October Provisions of this form of procedure and of certain particular clauses therein is further evidence. The Government, as can be seen from the work of their committee during the early months of 1259, and the letters addressed by the king to the men of Rutland and in other counties, were perfectly well aware of the demand.

Thirdly, though members of the Government realized the nature of that demand they were not sufficiently impressed with its urgency; and when they did act, although they made some remarkable innovations, they never really created the preventive machinery for which the local need was so strong. Impatience with the failure of the baronial oligarchy to set its house in order and remedy grievances in the sphere of private jurisdictions brought down upon it the indignation of the lesser county gentry. It accordingly made a serious attempt to allay that indignation by the issue of the Provisions of October 1259, and by the application of procedure by complaint in a special eyre devoted principally to the remedying of grievances arising out of local administration, and by the new oath which the Sheriffs were compelled to take. The eyre itself was cut short, but the important new procedure lived on, and the reissue of the Provisions of Oxford in 1263 is evidence of the continuity of the reforming spirit, which, thwarted elsewhere, found expression in legislative changes. Perhaps the real reformers of the period are the judges or lawyers (often the same), who have to their credit a less evident but far more enduring change in the judicial system than the barons in other spheres. The new method of appointing sheriffs and (in all probability, as we gathered from a reference to the election of bailiffs 'according to the form prescribed in the Provisions of Oxford') the bailiffs of hundreds and wapentakes lapsed, and the old royal way was resorted to; Edward, by playing upon personal jealousies, was able to undermine and finally to split the baronial party from top to bottom; the issues of the land streamed into the wardrobe again, back

came the aliens, and the king was able to return to his old prerogative position of independence of any written constitutional formula, except the oath taken at his coronation and his confirmation of the Charter; but the law had grasped the existence of a new element in the country, had heard the voice of the county communities becoming articulate above the baronial din, and, when the peace of misery and defeat reigned once more in the land and many of its disturbers had gone to their graves, now in the Statute of Marlborough moved forward both by reform of judicial procedure and by changes in the rules of tenure to meet the claims of the newly arisen groups.

Fourthly, the rebellion which followed the breakdown of negotiations between the opposing parties and the Mise of Amiens was on a greater scale, was of longer duration, involved a wider range of persons, and created a far greater social disturbance than is generally realized. Its most acute stage was after Evesham when disturbance throughout the south-eastern counties was universal. The fact that it was not possible to send out the Justices on circuit to give effect to the terms of the *Dictum de Kenilworth* till the end of 1267 and the beginning of 1268 is, apart from all other considerations, at least some indication of the state of the country. That this condition of things existed was the result of the confiscation after Evesham which the inquisitions and later pleas, e. g. for Essex or Northamptonshire, show to have been carried out on a very large scale indeed. The records which we have been examining point to the important part played by the mesne tenants of the larger baronies and honours, and to the fact that, apart from the religious houses, the higher and the lower clergy and a number of important towns and the Cinque Ports, help was forthcoming from communities and individuals not bound by a feudal lien to the principal baronial leaders. At the same time it should be clearly recognized that thirteenth-century revolt of this kind is naturally feudal in its setting, and that a great number of persons were either distrained or terrorized into helping the baronial cause.

Now between the third and last of these considerations a considerable gap must lie. We should like to know much more about the reception accorded to the royal sheriffs who in 1261 replaced those selected according to the baronial formula, for references to the very real discontent caused by that replacement are tantalizingly few.¹ We should like to know what the county communities said when Richard of Almain, after the committee appointed to solve the problem of the method of appointing the sheriffs had reached a complete deadlock, gave his verdict in favour of the old method of royal choice. Above all we should like to have a picture, however fragmentary, of the life of a Midland county in the early summer of 1263. For these things would give to our story the unity now sadly lacking. We should then be able definitely to connect or disconnect 1258 and 1259 with 1264, definitely to know the relation between the constitutional and unconstitutional phases in the history of the government of England during these years. There is, one fears, little hope that the intervening period between the expiry of the baronial schemes and the outbreak of war itself will be fully treated, for records are lacking. But the way is open for a detailed study of the rebellion in the counties for which plea rolls are extant; and it is to be hoped that some scholar will now take William de St. Omer's roll for Cambridgeshire, edit it as Maitland did the Gloucestershire Pleas of the Crown, and submit the whole body of cases to searching analysis, in order to determine the share taken in the rebellion by the various social elements in the county. It will be difficult work, and if it is remembered that the history of England cannot be written from the police-court great results will not be expected. Yet only by the consideration of such facts can our generalizations be achieved.

¹ There is one illuminating little picture in *Robert of Gloucester*, ii. 736, ll. 11061-11082, of the discomfiture of the 'freinss kniȝt ... at Gloucestre . þe sserreue þoru þe king', Matthew de Besilles.

APPENDICES

LIST OF APPENDICES

PART I

- | | |
|---|---|
| I. The Inquest of 1258. Hundred of Loes (Suffolk). | Fragments of Hundred Rolls, Box 8, no. 5 (6). |
| II. Trial of the Bailiffs of Brill. Woodstock, 1258. | Assize Roll 1187, m. 7 d. |
| III. Excerpts from the Kent Roll of Presentments and Complaints before Hugh le Bigod, January 1259. | Assize Roll 362, mm. 5 d., 8 d. |
| IV. Complaints from Sussex heard by Hugh le Despenser, 1260-1261. | Assize Roll 537, mm. 1, 2, and 911, m. 3, 3d. |
| V. The Provision of the Barons of England, March 1259. | Camb. Univ. Library MS. Mm. 1. 27, f. 73b. |
| VI. The St. Albans version of the Provisions of October 1259. | MS. Cotton, Nero D. 1, f. 138 b. |

PART II

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| VII. A surreptitious Charter, 1266 [relates to 1265]. | Curia Regis Roll 175, m. 15 d. |
| VIII. An action for recovery, Hilary Term, 1268. | Curia Regis Roll 182, m. 17. |
| IX. The Case of Robert de Ferrers, 1274 [relates to 1269]. | Coram Rege Roll 11, m. 6. |
| X. Presentments by the Jury of Cambridge, 1269, before the Justices <i>De terris datis et transgressionibus factis tempore turbacionis</i> . | Assize Roll 83, mm. 23, 24. |
| XI. Some Buckinghamshire cases illustrating the rebellion. | Assize Roll 59, mm. 8, 9, 11 d., 15, 16 d., 17, 18 d., 19, 19 d. |

NOTE

Every effort has been made to give an accurate transcript, not a modernized text, of the documents here reproduced. In two cases (the Provisions of 1259 and the Pleas for the town of Cambridge), nos. V and VI, omissions have been made which are specifically indicated in square brackets in the text. The original punctuation, including the pause-marks ' and /, has been retained, except in rare cases where clarity demanded its modern equivalent.

PART I

I

THE INQUEST OF 1258

Fragments of Hundred Rolls, Box 8, No. 5 (6). Roll of two membranes $24 \times 6\frac{1}{2} + 17\frac{1}{2} \times 6\frac{1}{4}$ to 6 ins. The marginal notes and certain portions of the text, indicated here by smaller type, are in darker ink, and in a different hand,¹ more rounded and official-looking, to that of the majority of the Chapters (which seem to have been written in before the complaints were made) and the replies, suggesting that these parts are the work of a clerk to the Justice, perhaps the Justiciar himself, who determined the complaints. The question and reply about the adowson of Brandiston, both in the hand of the marginalia, appear to show that the Exchequer is using the inquiry to ascertain facts quite irrelevant to its main object, and hence suggest that the notes and additions are later than the body of the return.

Lose

De captionibus et prisīs factis et de suis et consimilibus In nundinis
ciuitatibus Burgis villatis portubus et Alibi
ubicunque

Dicimus quod Henricus de Neketune vice-comes² cepit ij milia alletie In villa de Horford ad opus domini Regis de Reginaldo Winkepen de quibus nichil habet precium miliaris .viij. s.

¶ Dicimus quod Edmundus filius Ambrosii de Hais cepit bladum in villa de Horford sub nomine domini Regis et ad opus proprium retinuit. Similiter de Henrico de aula ij bussellas ordeī precio' .xi. d. de Roberto de bosco ij bus' furmenti precio' xx d. de Gileberto de Caumpesle ij bus' furmenti precio' xv d. de Willelmo Clint ij bus' furmenti precio' xxi d. de Stanmer filio Baldwini j buss' furmenti precio' x d. unde nichil habuerunt

¶ De hoc capitulo Qui corrupti munere gratia etc nichil

¹ A good test is the formation of the letter *h* which differs in the marginalia and the text; and the sharper, more diamond-like appearance of the letters in the questions and replies.

² In 1241.

- ¶ De hoc capitulo que et quanta ceperint pro preceptis domini regis
festinandis et retardandis
Dicimus quod Reginaldus ballivus cepit .j.
marcam de Eadmundo de Wdebreg' excom-
municato ne incarc[er]aretur per preceptum
domini regis. Item Samson ballivus¹ sancte
Aldrede cepit xx s. de Willelmo de la dune ne
aueria hominum suorum caperentur sicut pre-
ceptum fuit a domino rege. Item idem Samson
cepit xv. s. de ¶ Gilberto Aurifabro et fratribus
eius pro saysina terre habenda per preceptum
domini regis
Dicimus² quod Galfridus de benucha ballivus
sancte Aldrede cepit .ij. s. de domino Iohanne de
Fru in villa de hais pro precepto domini regis
retardando Reginaldus ballivus cepit .iiij. s. in
villa de hais pro precepto regis retardando.
Dicimus quod hamundus de Passelewe vice-
comes³ cepit .ij. m. de magistro Roberto de An-
guis pro precepto domini regis festinando
Iuratores dicunt contrarium de Reginaldo
- ad iudicium de
Iuratoribus
- ¶ De hoc capitulo Que et quanta ceperint pro iuratoribus etc. nichil
Memorandum quod iuratores contraria dixerunt de
Reginaldo Balliuo
- ¶ De hoc capitulo Que et quanta ceperint ne caperent homines pro
felonia etc.
¶ Dicimus quod Rogerus de Ho cepit de Rogero
Ketel de Hachetun .ij. s. ne caperetur quia re-
ceptor fuit latrocinii
- Lagmundus⁴
est Ideo quietus
- ¶ Dicimus quod dictus Rogerus cepit xvij. s. de
Iohanne hozeor pro furto unius busselli ordei
¶ Dicimus quod Ricardus de Wdebreg' bedellus
de Wileford' cepit dimidium marcā de Rogero
de Bradeheg de Wdebreg' pro furto unius vacce
ne caperetur. Venit et ponit se super patriam

¹ Interlineated over *ballivus* are the words 'per totum reddit se ut alibi'.

² This paragraph is inserted in a bracket above chapter 3, almost on a level with chapter 2.

³ Sheriff of Norfolk and Suffolk 1242-1249.

⁴ This apparently stands for 'mundus per legem', Constitutions of Clarendon, S.C., p. 172. See p. 29, n. 1, for a possible alternative. It is unlikely that *lagmundus* is the name of an official of any sort, e.g. Lagman.

istam scilicet super iuratam de Wileford' Culpabilis est.

Venit et defendit quod non cepit occasione quod non incarcerationetur quia fuit in carcere et de hoc ponit mortuus

¶Dicimus quod Willelmus de holebroc' ballivus sancte Aldrede cepit xx.s. de Willelmo de la dune ne caperetur pro homicidio uxoris hugonis filii Basili de Hais.

¶Rogerus¹ Indiben ballivus² cepit iij cumbas siliginis de eodem pro eodem.

mortuus
Iuratores dicunt quod culpabilis Ideo ad gayolam

¶Eadmundus¹ Cuse serviens vicecomitis cepit .v. s. de eodem pro eodem.

¶De capitulo Que et quanta ceperint pro deliberatione talium captorum

Dicimus quod Semannus de Reding' ballivus de Hoxne cepit dimidiam marcam de Rogero Alain de Bedingfeud iniuste incarcerato pro crimine a dicto Semanno falso sibi imposito causa deliberandi eum

¶De capitulo Que et quanta ceperint de catallis utlagatorum etc

¶De capitulo Quotiens eciam et de quorum Itinere ceperint ameriamenta etc.

¶De capitulo Quid et qualia solebant pertinere ad vicecomites et eorum turnos etc.

¶De capitulo Quid et quantum et quotiens et a quibus ceperint pecuniam etc.

¶De capitulo Quid et quantum de hiis qui novi milites esse deberent per preceptum domini regis etc.

¶De capitulo De auariis captis et iniuste detentis etc.

Dicimus quod Samson ballivus sancte Aldrede cepit iniuste auaria Roberti de Winduil et detenuit donec habuit dimidiam marcam de dicto Roberto

¶Willelmus de Holebroc cepit .xl. d. de Alexandro clerico de Charfeud pro auariis suis captis et iniuste detentis

¹ The word *mortuus*, as well as being placed in the margin, is interlineated over the proper name.

² Interlineated.

habet terram in
Essex apud Ro-
inge Eutrop¹

¶Robertus de Roynel ballivus cepit iij.s. de
Waltero Quintin de Hais pro una vacca capta
et iniuste detenta et in captione mortua.

venit et quieuit
se alibi.

¶Dicimus quod Tomas le Ruter cepit iij.s. de
domina Margeria le Bigot et de Gileberto de
Campeslee et Ricardo fratre eius pro caruca
capta per preceptum domini regis ut dilata²
esset videlicet ad comitatum³

¶Samson ballivus Sancte Aldrede cepit vi sol.
de Rogero de Marlesford pro avariis suis de-
liberandis que iniuste capta fuerunt.

¶Dicimus quod idem Samson cepit de Willelmo
ballard et de Willelmo le Deneis pro avariis
suis deliberandis pro quadam secta iniuste
petita .ii. sol

¶De hoc capitulo De cartis confectis malitiose per Iudaeos etc
nichil

¶De capitulo De mensuris omnibus blado galonibus etc.

¶De capitulo De vicecomitibus et eorum ballivis quibuscunque et
aliis quid et quantum ceperint occasione
deliberationis gaolarum etc.

¶De capitulo De dominicis domini Regis alienatis sine waranto

¶Et de hundredis alienatis et consuetudini-
bus subtractis et conclatis

veniet

¶Dicimus quod dominus Philippus Basset sub-
traxit et conclavit . . . ⁴ de hominibus suis
de Charsfeud in foro de Wdebreg' pertinente
ad Gipuicum burgum domini Regis ij annis
iam elapsis

pro rege⁵

¶De libertatibus subtractis et conclatis que debent esse domini
Regis

¶Dicimus quod dominus Willelmus de Bouilla
assumit sibi piscaturam totius ripe que currit
inter villam de Estun' et villam de Lethering-

pro rege⁵

¹ In *R. H.* i. 144 this place is Royng Aytrop; it is now Aythorp Rothing, in the former hundred of Dunmow.

² Obviously for *delata* = 'handed over'.

³ This seems to mean that Thomas le Ruter took the 3s. at the county court, probably at the *retro-comitatus*: cf. W. A. Morris in *E.H.R.* xxxix, 403.

⁴ The word written has defied all efforts at interpretation. Clearly some royal right or source of revenue had been withdrawn.

⁵ The *pro rege* seems to be in the same hand as the *capitula*. The *veniet* is in the later hand.

veniet

ham que debet esse communis domino de Ketlebere qui tenet terram Normannorum et suis tenentibus et non debet esse sibi appropriatum vij annis iam elapsis querat remedium a curia regis si velit.

¶ De terris Normannorum nichil ¶ De escaetis et wardis nichil.

[On second membrane attached]

¶ De hoc capitulo ¶ Hec omnia predicta inquirenda sunt de omnibus balliuis tam maioribus et mediocribus et minoribus et eorum ministris tam infra libertates quam extra et de omnibus ballivis vicecomitis et nomina etc.

quietus¹

¶ Dicimus quod Robertus de Doinges ballivus cepit in villa de Gretingham minori per vij annos quolibet anno ii s. ne causarentur in responsis suis in renovatione plegiorum Ita tamen quod unus respondet pro omnibus scilicet ante tempus suum hac de causa nichil dederunt.

¶ In alia Gretingham cepit dictus Robertus x s. per vij annos eadem de causa.

¶ Dicimus quod dictus Robertus ballivus cepit de hominibus magistri Roberti de Anguis in villa de Brantestun' per vij annos quolibet anno ijs. eadem de causa.

¶ De hominibus Alani burnel cepit dictus Robertus in villa de Brantestun' ix s. per vij annos hac de causa.

¶ In Buttele cepit vijs. per vij annos eadem de causa. Iuratores dicunt quod aduocatio ecclesie dicte ville pertinet ad dictum manerium et semper domini manerii dederunt predictam ecclesiam et Hamo de Creuquer Senior ultimo contulit ecclesiam illam dum habuit manerium.²

¶ In Wdebregge cepit viijs. per iiij annos eadem de causa

¶ In Rendlesham ijs. per vij annos quolibet anno eadem causa

¶ Dicimus quod dictus Robertus cepit in villa de Muneweden' ix s. per vij annos pro eadem

Memorandum
de advocatione
ecclesie de
Brantestun eo
quod manerium
est escaeta dni
regis de terris
Normannorum
quod Rex dedit
Alano burnel

¹ The *quietus* and *quietus per totum* refer to all the charges round which the bracket is drawn.

² Misplaced, but relating to Brandiston.

quietus per totum

¶Dicimus eciam quod dictus Robertus cepit in villa de Letheringham per vij annos quolibet anno ij s. pro eadem.

¶Dicimus quod dictus Robertus cepit xij s. tantum in toto tempore suo in villa de Charsfeud

¶Dictus Robertus cepit in villa de Hachetun' per vij annos quolibet anno ij s. pro eadem

¶Dictus Robertus cepit in villa de Dalingho per iiij annos quolibet anno ij s. eadem causa

¶Dictus Robertus cepit in villa de Estun' de hominibus Roysie de Miners per .v. annos .v. s. pro eadem

¶Dicimus quod dictus Robertus ballivus cepit amerciamenta de brasiatoribus et pistoribus de omnibus villis supradictis in quolibet anno qui vendiderunt contra asisam domini regis per inquisitionem del bortreming

¶Dicimus quod dictus Robertus ballivus cepit in villa de Hais per vij annos in quolibet anno ij s. ne causarentur in le bortreming

¶Dictus Robertus cepit in villa de Ho per vij annos quolibet anno ij s. pro eadem

¶Dicimus quod Rogerus de Ho ballivus post dictum Robertum cepit in qualibet villa supradicta per ij annos quantitatem pecunie supradicte in quolibet anno ne causarentur in le bortreming

Cepit etiam amerciamenta de omnibus braciatoribus et pistoribus in villis supradictis Ita ut dictus Robertus

¶Dicimus quod Reginaldus ballivus post dictum Robertum cepit in hoc anno in qualibet villa supradicta secundam quantitatem pecunie supradicte ita ut dictus Rogerus et amerciamenta de braciatoribus.

¶De hoc capitulo De coronatoribus et eorum clericis et servientibus quid et quantum ceperint etc.

convictus est per iuratum Ideo ad gayolam

¶Dicimus quod dominus Galfridus de Baddele cepit i equum de Thome filio Hugonis de Gretingham fugitivo pretio iiij s. et debuit esse

escaeta domini regis Venit et defendit et ponit se etc. Iuratores dicunt quod habuit predictum equum ideo gayole¹

¶Dicimus quod Stephanus clericus Galfridi de Baddele coronatoris cepit ij s. in villa de Kene-tun' pro quodam puero submerso pro officio suo exequendo et coronator non venit.

¶Dicimus quod dictus Stephanus clericus cepit ijs. in villa de Charsfeud pro officio suo exequendo pro duobus infortuniis contingentibus in villa de Charsfeud

convictus est
periuratum Ideo
ad gayolam

¶Dominus Galfridus coronator cepit iij s. in villa de Eic pro officio suo exequendo de quodam homicida fugitivo in ecclesia de Eic

¶Stephanus clericus suus et Henricus clericus Roberti Malet ceperunt xij d. in villa de Marleford' pro officiis suis exequendis pro duobus pueris combustis

¶Dictus Stephanus cepit vi d. in villa de Marleford' pro Stephano duke mortuo morte subitanea

¶Dictus Stephanus cepit j cumbum (*sic*) avene pro officio suo exequendo in villa de Wdebrege' pro uno puero submerso

¶Dictus Stephanus cepit in villa de Hais ijs. pro iij pueris submersis pro officio suo exequendo et coronator non venit

¶Dictus Stephanus cepit xij d. in eadem villa pro officio exequendo

¶De hoc capitulo De escaetoribus quid et quantum ceperint de wardis etc.

Venit et cognoscit et dicit quod reddidit ad scaccarium et reddit com-potum etc. et de hoc ponit se super barones de scaccario²

¶Dicimus quod dominus Galfridus de baddele escaetor cepit xx s. de terra magistri Roberti de Anguis dum fuit in manu domini regis ad opus domini regis

¶Dicimus quod Samson ballivus cepit .j. marcam de terra magistri Radulfi de Anguis causa saysine domini regis vivente domino Radulfo ad opus proprium

¹ The verdict of the jury is inserted in the text, as above, p. 339.

² The marginal note of the bailiff's appearance runs into the body of the text as in (1), but for sake of clearness it has been retained in the margin.

¶ De hoc capitulo De falsoribus monete et retonsoribus et escambiatoribus etc.

Quieti sunt omnes

¶ Dicimus quod Iohannes Godsweyn de framing¹ et Baldwinus Cussart de Letheringham et Willelmus red et Rogerus Watling perrexerunt Londoniam, Ranulfus filius Roberti molendarii de Marlsford et Stephanus filius Willelmi Hime et Baldwinus Lincole de Estun' et Ricardus Suan mercator de Estun' perrexerunt similiter Londoniam et Walterus Siward de Rendlesham et Iohannes frater eius perrexerunt Cantuariam et escambiaverunt vetus nummismata pro novo; ipsis in patriam propriam venientibus cum vicinis suis escambiaverunt novum numisma pro vetere. Et similiter Iohannes filius Roberti carpentarii et Robertus frater eius de Meklesford' et Iohannes filius Iohannis Adelin et Philippus frater eius de Meklesford'.

¶ De capitulo De vicecomitibus et eorum clericis qui breviam domini regis malitiose retinuerunt etc.

II

TRIAL OF THE BAILIFFS OF BRILL

Assize Roll 1187, m. 7 d. The dorse is headed 'Placita coram domino Rege In crastino Assumptionis Beate Marie apud Wudestok' anno xxij^o.' The case is written in a single hand by one of the Justiciar's ordinary clerks.

Buk'

¶ Preceptum fuit vicecomiti quod venire faceret ad hunc diem Willelmum filium Symonis Radulfum filium Willelmi et Nigellum filium Symonis ballivos de Brohulla ad respondendum Bartholemeo le Turnur. Willelmo Sqwake. Alicie uxori Ricardi le Rus. Alicie uxori Godefridi filii Philippi. Willelmo le Golden. Willelmo de la Penne et Katherine uxori Willelmi de la Penne. Christiane la Ruse. Thome le Tynkere. Hawisie que fuit uxor Roberti Segrin. Roberto pistori Roberto le Clerk et Willelmo le Tynchewike. Hugoni Swake. Henrico de Crundoun. Godefrido filio Philippi et Iohanni de Chomele de quibusdam transgressionibus extorsionibus et iniuriis

¹ 'Quietus' is interlineated over the name.

eis per predictos ballivos factis dum predictum manerium tenebant ad firmam ex dimissione domini regis etc. Et unde predictus Bartholomeus queritur quod cum villata de Brehull' amerciata fuit pro falsis mensuris coram senescallo domini regis predictus Willelmus assedit ipsum cum non esset braciator ad duos solidos cum nulla transgressio mesure apud ipsum inveniretur quosdam etiam pares suos qui tantum tenent vel maius tenent quam ipse.' assidebat ad duos denarios vel tres vel maius vel minus pro voluntate sua. Queritur eciam quod cum quidam Henricus Pyme amerciatus esset coram predicto Willelmo ad sex denarios pro quadam transgressione idem Bartholomeus esset plegius eius de misericordia sua.' predictus Willelmus postea distrinxit ipsum pro duobus solidis et eos pacare fecit pro plegiagio predicto. Queritur eciam quod cum quidam vicini sui finem fecissent cum ipso Bartholomeo per unam quarteram frumenti pretii octo denariorum pro dampno quod fecerunt in blado suo.' predictus Willelmus predictam emendam cepit ad opus suum proprium nullam ipsi Bartholomeo promittens inde capere emendam. Et similiter Willelmus Sqwake queritur quod cum ipse obcecasset quendam equum Ricardi le Tyneker cuius serviens ipse fuit percutiundo ipsum in oculo per infortunium predictus Willelmus convenire fecit ipsum W. Sqwak in curia de Brohulla et occasione predicta extorsit ab eo quadraginta sex denarios non permittens quod predictus Ricardus dominus suus aliquid caperet pro dampno suo. Dicit etiam quod predictus equus ambos habens oculos non excessit pretium duorum solidorum. Et similiter predicta Alicia uxor predicti Ricardi le Rus queritur quod cum predictus Willelmus dudum eis debuit .xv. sol. idem W. semper eis eundem¹ debitum reddere dedixit per quod vir suus et ipsa omnino depauperata fuit nec sufficiunt bona sua ad firmam domini regis quantum ad ipsos pertinet persolvendam. Et similiter predicta Alicia uxor Godefridi filii Philippi queritur quod cum ipsi recepissent quandam terram de domino rege in predicto manerio reddendo per annum .xiiij. sol. predictus Willelmus cepit anno preterito bona et catalla sua scilicet quatuor capras et vestituram bladi in predicta terra existentem, et similiter omnia utensilia in domo sua inventa; et cum ista sufficerent ad levandam predictam firmam et multum amplius predicti Ballivi nichilominus eiecerunt eos de predicta terra et domibus et predictum Godefridum virum suum imprisonaverunt. Et similiter predictus Willelmus de Golden queritur quod cum predictus Willelmus

¹ For *idem*.

filius Symonis extorsit dimidiam marcam ab eo de bonis cuiusdam hominis de predicto manerio cuius plegius ipse fuit ita scilicet quod cum predictus homo debet pro terra sua quam de domino rege tenuit annuatim .xi. sol. et eos reddidisset plenarie,¹ nichilominus predictus W. fil. Symonis distrinxit ipsum tanquam plegium pro plegio ipsius hominis et cepit ab eo predictam dimidiam marcam. Et similiter predictus Willelmus et Katerina queruntur quod predicti Willelmus et Radulphus extorserunt ab eis duos solidos pro eo quod quedam de tenentibus suis braciaverat contra assisam cum tamen de eadem tenenti cepisset sex denarios pro misericordia sua. Queruntur etiam quod cum predictus W. fil. Symonis cepisset de decenna sua¹ dimidiam marcam ad opus vicecomitis pro visu franci plegii Idem Willelmus ad opus proprium reservavit et postea biennio elapso distrinxit ipse eos per quandam equam quam habuerunt exigendo a prefata decenna prefatam dimidiam marcam ita quod equam illam detineri permisit a vicecomite per magnum tempus ad grave dampnum ipsorum et in processu temporis tradiderunt ei ~~vque~~ solidos ad redimendam predictam equam et dicunt quod ultra predictos quinque solidos dederunt ipsi .xx. denarios antequam habere potuerunt predictam equam. ex una parte. et pro custodia eque illius quatuor decem denarios. Et dicunt quod hec dampna sustinuerunt ipsi occasione predictae dimidie marce eidem vicecomiti prius non solute. Et similiter predicta Christiana queritur quod cum ipsa sit pauperrima nec habet in bonis ad valorem quinque solidos ac semel braciasse,¹ predictus Walterus amerciavit ipsam ad .xix. d. et postea domum suam fregit ipsa absente et utensilia sua in domo illa inventa scilicet unam ollam eneam (*sic*) pretii .xx. d. cepit et vendidit pro voluntate sua. Et similiter predictus Thomas le Tynekere queritur quod cum Willelmus pater suus dedisset ei unum messuagium cum pertinenciis in Brohulla et idem Thomas volens quod constaret hominibus de curia de predicto dono ei facto,¹ dedit predicto Nigello ballivo sex denarios per sic quod recordari faceret in plena curia donum illud; et postea cum idem Thomas¹ per multum tempus esset in seisina de predicto messuagio in vita patris, decedente patre eius, idem Nigellus cepit ab eo unum porcum pretii .xviij. d. pro herietto et nichilominus eiecit eum de predicto messuagio ad instanciam et favorem cuiusdam Nigelli fratris ipsius Thome antenati. Et similiter predicta Hawisia queritur quod cum ipsa per licentiam et voluntatem predicti Willelmi fil. Symonis

¹ Interlineated.

braciasset contra assisam/ nichilominus idem Willelmus pro transgressionem illa [cepit] xij denarios. Et similiter predictus Robertus pistor queritur quod predictus Willelmus filius Symonis extorsit ab eo .iiij. sol. et vj. d. quia emit de quodam alio socomanno quandam plateam in qua fecit curtillagium suum. Et interim extorsit ab eo viij sol. quia leuauit hutesium eo quod quidam homo insultauit ei in domo sua propria et ipsum verberauit et malectractauit. Et iterum extorsit ab eodem Roberto xij. denarios eo quod cariauit fenum suum ultra dominicum pratum domini regis tunc falcatum, ubi ipse et omnes alii de manerio predicto semper cariare consueuerunt, et eciam omnes vicini sui eo tempore cariauerunt. Et similiter Robertus le Clerk queritur quod cum predictus W. fil. Symonis cepisset ab eo .xij. d. per sic quod faceret ei habere quandam domum quam quidem Robertus ei deforciavit.' idem Willelmus nichil ei inde fecit et tamen retinuit predictos denarios. Et similiter predictus Willelmus de Tynchewicke queritur quod cum ipse eiectus esset de quadam terra quam tenuit de domino rege in manerio de Brehulla.' idem Willelmus dedit predicto W. fil. Symonis .xx. solidos per sic quod faceret ei rehabere seisinam suam de predicta terra et eam pacifice possidere, et tamen nunquam terram illam assequi potuit nec iustitiam inde habere, licet predicto Ballivo dictam pecuniam plene persoluisset. Et similiter predictus Hugo Swake Henricus de Crimdon' et Godefridus filius Philippi queruntur quod cum ipsi pluries fecissent finem cum predictis Willelmo et Radulpho balliuis pro pace habenda de secta quam ab eis exigebant faciendam ad curiam de Brehulla.' scilicet predictus Hugo per dimidiam marcam et Henricus et Godefridus per quinque solidos.' predicti Balliui nichilominus ipsos distrinxerunt ad predictam sectam faciendam et plura ceperunt amerciamenta pro defaultis suis. Et similiter predictus Iohannes de Chomele queritur quod predictus W. fil. Symonis iam uno anno elapso cepit ab eo quatuor solidatas carniū et eas semper postea detinuit, nolens unquam de pretio satisfacere. Et unde uniuersi dicunt quod per predictas iniurias, extorsiones et rapinas ita gravati sunt et tam ipsi quam omnes alii de predicto manerio per eas et alias iniuriasoltas depauperati.' quod vix restat aliquis qui de firma sua domino regi de terra sua debita possit respondere.

Et Willelmus Radulphus et Nigellus veniunt et defendunt vim et iniuriam quando etc. Et bene defendunt omnem iniustam captionem et extorsionem. Et bene dicunt quod a tempore quo pre-

dictum manerium commissum fuit eis custodiendum; tam predictos Bartholomeum et alios quo modo queruntur quam omnes alios de eodem manerio bene et in bono statu tenuerunt absque aliqua extorsione eis facienda, nisi tamen quod cum amerciandi essent ab eis ceperunt misericordias suas prout decuit et secundum manerii consuetudinem. Et quod ita sit parati sunt verificare per probos et legales homines de predicto manerio alios a predictis. Et petunt quod inquiratur.

Et iuratores de predicto manerio de consensu partium electi dicunt super sacramentum suum quod predictus Willelmus Radulphus et Nigellus fecerunt predictis Bartholomeo et aliis predictas transgressionem et multo maiores quam eis imponunt. Et iidem iuratores quesiti de quibusdam aliis articulis presentatis super predictos Willelmum et alios per quosdam de manerio predicto scilicet qualiter et quo modo se habuerunt dum predictum manerium extitit in custodia eorum; dicunt quod revera ultra modum extorserunt a quibusdam tenentibus eiusdem manerii et male erga eos se gesserunt. Dicunt enim quod cum predictus Willelmus filius Symonis coram Iusticiariis ultimo itinerantibus apud Neuport Paynel finem fecissent per dimidiam marcam pro catallis Willelmi Carpentarii suspensi que estimata fuerunt ad sexaginta solidos, Idem Willelmus distrinxit totam villatam de Brehulla ad acquietandam illam dimidiam marcam et nichilominus appropriavit sibi predicta catalla. Et preterea quandam domum ipsius suspensi precii triginta solidorum quae debuit esse escaeta domini regis vendidit pro voluntate sua cancellando eam domino regi. Dicunt eciam quod predicti Willelmus et Radulfus ballivi compulserunt homines predicti manerii ad acquietandam unam marcam ad quam iidem ballivi amerciati fuerunt in curia Willelmi de Valencia pro suo proprio. Dicunt etiam quod cum villata de Brehulla amerciata esset coram Iusticiariis de Foresta ad dimidiam marcam; predictus Radulfus distrinxit eos ad solvendam unam marcam et eam cepit ab eis et dicunt similiter quod predicti ballivi talliant singulos tenentes predicti manerii ad acquietandum expensas suas apud London; dum ibidemprehendinauerunt ad computum suum reddendum, quotienscunque ibidem accedant, vel mittant. Et si iidem ballivi dent aliquod munus alicui de scaccario vel mittant aliqua exennia pro respectu firme sue vel favore habendo; ipsi distringunt predictos tenentes ad acquietandum predicta exennia, licet ipsi tenentes non possint habere respectum de firma terrarum suarum reddenda. Dicunt eciam quod cum predictus Willelmus

ballivus summonere fecit curiam de Brehulla tertio die et predicti tenentes plenarie venissent ibidem prout summoniti fuerunt' idem W. absentavit se et noluit tenere curiam eo die Immo statuit curiam illam tenendam quodam aliquo die, absque aliqua summonitione vel ammonitione ei facta, et amerciavit quosdam tenentes de Burstall' ad decem solidos et sex denarios pro defaltu eorum illo die. Dicunt etiam quod predictus Nigellus venit apud Burstall' iam duobus annis elapsis et insultavit quibusdam pauperibus tenentibus illius ville, et postea quia nichil invenit per quod potuit eos attachiare' imposuit cuidam Willelmo de Tinchewike Roberto Segrim et Iohanni Segrim' quod ipsi verberaverunt eum Ita quod amerciati fuerunt ad curiam de Brehulla ad duos solidos.

Et Ideo consideratum est quod predicti Bartholomeus et alii querentes recuperent predictam pecuniam ab eis extorsam uersus predictos Willelmum et alios. Et Willelmus et alii amittant custodiam predicti manerii quod habent ad firmam et committantur gaole pro transgressione et ¹ satisfaciant de dampnis etc. Et predictum manerium committatur Fulconi Trauers, Radulfo filio Symonis, Bartholomeo le Turner et Rogero le Tynechewick Petro filio Symonis et Nigello de Bosco custodiendum usque ad festum Sancti Michaelis per firmam que prius inde debebatur. Et quia testatum est quod predicti Willelmus Radulphus et Nigellus sunt in pluribus arreragiis de firma sua erga dominum Regem preceptum est predictis Fulconi et aliis quod omnes terras et catalla ipsorum Willelmi et aliorum in predicto manerio capiant in manum domini Regis et ea salvo custodiant Ita quod de exitibus eorum respondere possint etc.

III

EXCERPTS FROM THE KENT ROLL OF PRESENTMENTS AND COMPLAINTS BEFORE HUGH LE BIGOD, JANUARY 1259

Assize Roll 362.

Protest against the Exaction of a Relief for Tenements held in Gavelkind

m. 5 d.

¶ Thomas de Hegham. Bartholomeus. Robertus et Iohannes fratres Kant' eius queruntur de Willelmo le Breton quondam vicecomite Kancie ²

¹ Interlineated.

² In 1227.

quod cum ipsi post mortem Roberti de Hegham patris ipsorum successisse debuerunt eidem Roberto in omnibus tenementis suis de quibus obiit seisis tanquam filii ipsius Roberti et heredes' sine aliqua redemptione facienda secundum consuetudinem Kancie¹ predictus Willelmus tunc vicecomes Kantie iam xx^{ti} annis elapsis non permisit ipsos habere seisinam de terris et tenementis que fuerunt predicti Roberti patris ipsorum in Milsted, Sithingleburn et Haleghstowe que Idem Robertus tenuit de domino Rege infra Hundredum de Middelton per seruicium de Gavelkind quousque Sarra mater ipsorum fecisset finem cum predicto Willelmo per quinquaginta marcas quas ei dedit pro habenda custodia predictorum tenementorum eo quod ipsi fuerunt infra etatem; quam quidem pecuniam eadem Sarra percepit de exitibus eorundem tenementorum quos² ipsa conservasse debuit et appenasse³ ad opus ipsorum Thome et aliorum prout decet huiusmodi custodes facere secundum consuetudinem Kancie de consimilibus tenuris. Unde dicunt quod deteriorati sunt et dampnum habent ad valentiam centum marcarum. Et inde producunt sectam.

Et Willelmus venit et defendit vim et Iniuriam quando etc. Et bene defendit quod ipse nunquam cepit de predicta Sarra predictas L^a marcas nomine alicuius redemptionis de predictis tenementis set dicit quod vult cognoscere quandam veritatem. Dicit enim revera quod tempore quo ipse fuit vicecomes cum contingeret aliquem tenentem domini regis in Gavelkind obire' ipse semper percepit de heredibus ipsius pro seisina habenda de tenementis suis prout alii vicecomites ante tempus suum facere consueverunt. Et Willelmus cognoscit quod ipse post mortem predicti R[oberti] de Hegham patris predictorum Thome et aliorum cepit finem de predicta Sarra pro seisina habenda de predictis tenementis ad opus predictorum Thome et aliorum, set dicit quod ipse fuit firmarius⁴ domini regis de predicto comitatu et quod ipse non fecit aliud quam predecessores sui vicecomites Kantie facere consueverunt; et dicit quod ignorat quantum percepit et bene vult quod inquiratur si ipse rationabilem finem recepit vel non.

Et Thomas et alii per attornatum suum dicunt quod nunquam aliquis vicecomes ante tempus predicti Willelmi percipere consuevit huiusmodi fines de tenentibus domini regis de huiusmodi tenuris nec percipere debuerunt secundum consuetudinem Kantie Et quod

¹ 'sine . . . Kancie' interlineated.

Is there intended here an opposition to *Custos*?

² for *que*.

³ i. e. 'appanasse'.

Idem Willelmus plenarie recepit predictas. L^a marcas modo quo predictum est ponunt se super patriam Et Willelmus similiter Ideo preceptum est vicecomiti quod venire faciat in proximo adventu Hugonis le Bigod etc xij etc. per quos etc et qui nec etc Quia tam etc Et concessum est etc.

Placita de Querelis coram Hugone le Bygod Iusticiario Anglie apud Cantuar' die dominica proxima ante festum Sancti Hillarii anno xliij.

New Customs. Hundred of Eyhorn

¶ Presentant¹ etiam quod Iohannes de Waleton dum fuit vicecomes m. 8. levavit quandam consuetudinem in hundredo isto, scilicet quod cepit ad duos turnos suos per annum .xxxij. s. quod vocatur Lethysot² quod quidem singuli vicecomites semper³ postea perceperunt hucusque. Et Iohannes venit et dicit quod ipse aliquo Loquend-tempore fuit subvicecomes Bertrami de Crioll, set nunquam vicedum comes et quod ipse nichil cepit, et si quid tempore suo captum fuit,⁴ hoc fuit ad opus ipsius Bertrami sed non ad opus suum. Hoc idem presentatum est in hundredo de Larke' Et similiter in singulis hundredis totius comitatus presentatum est quod idem Iohannes cepit annuatim in singulis hundredis ad turnos suos certam porcionem secundum plus et minus secundum quantitatem hundredi. Et similiter omnes vicecomites subsequentes Ita quod modo arentatum est. Loquendum Ideo inde loquendum cum domino Rege.

Item dicunt quod Ballivi istius hundredi tempore domini regis nunc leuauerunt de novo consuetudinem scilicet quod perceperunt ad suos Lawedays. aliquando unam marcam aliquando plus. Ita quod modo perceperunt singulis annis ad duos Lawedays .xl.s. et ad tertium Laweday .j. marcam. Eodem modo presentatum est de Ballivis hundredi de Larkefeld, quod perceperunt ad duos Lawedays per annum .xx. s. Eodem modo presentatum est in singulis hundredis totius comitatus, Ita quod modo quasi arentatum est. Ideo inde Loquendum loquendum cum domino Rege.

Iuratores presentant quod consuetudo⁵ hucusque habebatur in hundredo isto, scilicet quod quamplures distringunt alios in

¹ Sc. 'iuratores'. The first two cases on m. 8 have been omitted.

² Possibly Lathe Scot.

³ Interlineated.

⁴ 'et . . . fuit' interlineated.

⁵ On this case see Mr. H. G. Richardson's observations in a letter to *Times Literary Supplement*, Jan. 1, 1925, p. 9. Since this went to press, he has printed it in *Law Quarterly Review*, cxliii, July 1925, pp. 252-3.

Hundredo et mercatis pro debitis aliorum, quorum plegii non extiterunt, sive principales debitores. Et ipsi plenius quesiti Qui huiusmodi districtiones fecerunt, dicunt super sacramentum suum quod Godinus vinetarius de Sithingeburn distrinxit Ricardum del Broke et quosdam alios homines et libere tenentes Hugonis de Crecy pro debito ipsius Hugonis, cuius plegii non extiterant. Et Ricardus de Greene et Robertus Godwyne Ballivi de Roffa distrinxerunt Ricardum le Scryueyn de Roffa per quendam equum suum pro debito cuiusdam vicini sui cuius plegius non extiterat. Ideo ipsi in misericordia. Et super hoc testatum est per totum comitatum quod huiusmodi consuetudo hucusque habebatur in comitatu isto. Et ideo provisum est et statutum, et eciam inhibutum ex parte domini regis quod nullus de cetero distringat alium pro debito alicuius nisi fuerit plegius illius de debito illo, et hoc si principalis debitor non sufficiat ad predictum debitum reddendum. Et si sufficiat tunc plegius non distringatur dummodo debitor habeat unde reddere possit. Et hoc de cetero teneatur per totum comitatum exceptis Ciuitatibus et Burgis, in quibus licitum est singulis ciuibus et mercatoribus alios ciues et mercatores aliarum ciuitatum et burgorum distringere pro debitis aliorum secundum legem et consuetudinem mercatorum.

*A bailiff raises money for his master by a strange device.
Hundred of Larkfield*

m. 8 d. ¶ Iuratores presentant quod Willelmus de la Grene dum fuit ballivus Willelmi de Say apud Berling fecit infra iiij^{or} annos xiiij^{or} prepositos in predicto manerio de tenentibus ipsius Willelmi qui tenent in Gavelkind amovendo unumquemque post alium et singulos reliquid¹ in debitum erga plures de patria de rebus quas ceperant ad opus domini sui² scilicet quendam Gilbertum le Wearne. in .x. libras Willelmum Hulot. .c. s. Symonem Cute. in .iiij^{or} libras Radulfum Leverith. in .c. s. Robertum le Cat. in .dimidia marca Stephanum del Broke. in .xxvi. s. Henricum Like qui fuit prepositus tantummodo per unum diem . in .vi. s. Lambertum de Layser de Walda similiter per unicum diem . iiij^{or} s. Daniel de Wade in .vi. s. Adam de Haylefeld qui fuit prepositus per unum diem in .iiij. s. Nicholaum de la Dune in .vi. s. Radulfum de Camur per unum diem in .j. marca Ricardum de Broke in .xij. s. et alia vice .ij. marcis et tertio³ .vj. s.-

¹ i. e. *reliquit*.

² 'de rebus—domini sui' interlineated.

³ For *tertia*.

viiij. d. Adam de Broke per unicum diem .ij. s. Et Willelmus venit et bene cognoscit quod tot prepositos composuit et amovit. Set dicit quod eos amovit ex precepto domini sui et quantum ipsi perceperant et mutuaverant a patriotis ceperunt ad opus domini sui et non ad opus suum. Et iuratores quesiti si tot prepositos fecit et amovit infra tantum tempus ex precepto Willelmi de Say domini sui aut ex propria malitia dicunt quod propria malitia ipsius Willelmi de la Grene. Set dicunt quod predicti prepositi totam predictam pecuniam perceperunt ad opus predicti Willelmi de Say domini sui. Ideo predictus Willelmus de la Grene committatur gaole. Et dictum est vicecomiti quod faciat predictum Willelmum de Say venire die.

IV

SUSSEX COMPLAINTS HEARD BY THE JUSTICIAR, HUGH LE DESPENSER, IN 1260-1261

Assize Roll 911¹ is the record of the Justiciar's sessions at Lewes on 12 December 1260,² and at Chichester³ on 12 January 1261, to hear 'assizes and complaints'. Adjournments are made to the morrow of the Purification (3 Feb. 1261),⁴ to the Octave of the Purification (9 Feb.),⁵ to 23 February⁶, and to the Quindene of Easter (8 May).⁷ Assize Roll 537 is a short roll of Sussex complaints heard by Hugh le Despenser at the Tower, presumably in February 1261. It seems not unlikely that the fifteen *querelle* which it contains were started at the earlier dates, but the evidence for this is only indirect. In both rolls the procedure by *querimonia* is widely resorted to. It may be noted that no. 537 appears to have been written by two out of the three of the clerks who were at work on no. 911⁸—probably regular clerks of the Justiciar.

Both rolls are of no little importance for the light they throw on the public and private units of local government in Sussex, and deserve to be printed with careful and detailed analysis of their contents.

¹ See Mr. H. G. Richardson's remarks on these rolls in *Trans. Roy. Soc.*, 4th series, vol. v, 56 and n. 6, 57, where the references to Parliament are duly noted.

² m. 1. 'Placita de Iuratis et assisis et transgressionibus coram H. le Despenser Iusticiario Anglie apud Lewes die dominica proxima ante festum sancte Lucie Virginis anno Regni filii Regis Henrici filii Regis Iohannis Quadragesimo quinto.'

³ The Chichester pleas begin on m. 4 d.; m. 6 d. is headed 'Placita de Querelis et Assisis coram Hugone le Despenser apud Cycestriam'. On m. 9 the date of the Chichester version is given: 'Placita de Transgressionibus et assisis coram H. le Despenser apud Cycestriam die mercurii proxima ante festum Sancti Hillarii anno regni Regis Henrici XLV.' An extract from m. 6 is printed by Mr. Richardson in *Trans. Roy. Hist. Soc.*, *ibid.*, 61.

⁴ m. 6 d.

⁵ In a case brought under the writ *Quare eiecit infra terminum*, m. 9.

⁶ m. 2 d. (*coram Iusticiario*); m. 7 (*coram rege*); m. 11.

⁷ m. 2; m. 7 (*coram rege*).

⁸ A. R. 911 looks incomplete, for on m. 18 d. begin the complaints against the officials of Peter of Savoy, viz. Geoffrey de Braybof and John de la Rede, which

a. *Complaint against exaction of payment for Beaupleder.*

Assize Roll 911, m. 3 d.

¶ Idem Wills Marmion¹ queritur de Iohanne de la Rede Ballivo Petri de Sabaudia quod cum per provisionem² in generali parlamento domini regis nuper factam per consilium procerum et magnatum regni Anglie prohibitum sit ne aliqui denarii dentur pro pulcre placitando in curia regis vel in alia quacunque curia. idem Iohannes contra predictam provisionem et post eandem provisionem factam iam distrinxit predictum Willelmum et homines suos de Berewike ad dandum .xl^{ta}. solidos pro pulcre placitando in Hundredo predicti Petri de Langebrig' Ita quod aueria predicti Willelmi et hominum suorum de predicta villa cepit occasione predicta die mercurii proxima post le Hokeday anno .xliij^{to}. Et preterea post predictum terminum accrescere fecit antiquum finem scilicet xx s. usque .xl^a. s. et predictam districtionem fecit Donec extorsit ab eis predictos .xl^a. solidos unde dicit quod deterioratus est et dampnum habet ad valenciam .c. solidorum. Queritur etiam predictus Willelmus quod cum quidam pons de Chiselford' fractus fuisset' predictus Iohannes distrinxit eum et predictos homines suos per .xx^{ti}. solidos ad predictum pontem faciendum et denarios illos cepit et ad opus suum retinuit postquam pons ille factus fuit Et dicit quod nec ipse nec predicti homines sui aliquid auxilium facere consueuerunt ad reparationem predicti pontis nisi solum ex mera gratia sua et elemosina

Et Iohannes venit et defendit vim et iniuriam quando etc Et quoad predictos .xl^{ta}. solidos quos cepit pro pulcre placitando bene concedit quod eos cepit sed dicit quod eos cepit ad opus Domini sui quia dicit quod Dominus suus fuit inde in seisina antequam ipse esset ballivus suus et ipse eundem Dominum suum in seisina illa manutinet et quoad predictos denarios quos cepit pro reparatione predicti pontis dicit quod quum pons ille fractus fuit' per libere tenentes predicti hundredi de Lungebrig' in pleno hundredo prouisum fuit quod omnes illius Hundredi auxilium facerent pro por-

occur so prominently on A. R. 537, while an entry on m. 4, recording Peter's change of attornies, points to the fact that his bailiffs had already been complained about; ' Petrus de Sabaudia ponit loco suo Thomam de Wyndh[i]ll uel Robertum de Hornby versus Johannem de La Haye et alios de comitatu Sussex, de placito transgressionis unde vocatur ad Warrantum, etc. et amouit Alanum la Zuche et Wycherum de Sabaudia quos prius,' etc.

¹ The plaintiff in the previous case.

² Provisions of 1259, S. R. i. 9, and Stat. Marl. cl. xi. 'Prouisum est eciam quod nec in itinere Iusticiariorum nec in Comitatibus [hundredis 1263 and 1264] nec in Curiis Baronum de cetero ab aliquibus recipiantur fines pro pulcre placitando neque per sic quod non occasionentur.'

cione sua ad pontem illum reparandum Ita quod idem Iohannes per prouisionem illam distrinxit predictum Willelmum et homines suos predictos pro predictis .xx^{ti}. solidis dandis ad auxilium predictum Et quod predictos .xl^{ta}. solidos non cepit nisi ad opus Domini sui ut illos de quibus ante tempus suum fuit in seisina.⁷ et quod predictos .xx^{ti}. solidos non cepit nisi per predictam prouisionem sicut predictum est ponit se super patriam Et Willelmus similiter. Ideo fiat inde Iurata.

Iuratores quoad predictos .xl^{ta}. solidos quos predictus Iohannes cepit pro pulcre placitando dicunt quod predictus Petrus Dominus ipsius Iohannis fuit in seisina de predictis .xl^{ta}. solidis annuatim percipiendis ad duos anni terminos scilicet ad duas Laghedays antequam predictus Iohannes fuit ballivus predicti Petri et quod non cepit predictos .xl^{ta}. solidos auctoritate sua propria nec ad opus suum proprium set ad opus predicti Domini sui et solum manutendo ipsum Dominum suum inde in seisina Et quoad predictos .xx^{ti}. solidos quos cepit pro reparatione predicti pontis.⁷ Dicunt quod homines predicti Hundredi nunquam facere consueuerunt aliquod auxilium ad predictum pontem reparandum nisi scilicet ex mera gratia et elemosina sua et non per aliquam districtionem Et dicunt quod homines predicti Willelmi non consenserunt prouisioni predictorum libere tenentium nec ibidem Interfuerunt Immo dicunt quod predictus Iohannes per districtionem cepit predictos .xx^{ti}. solidos ad opus suum et postquam predictus pons factus fuit. Et ideo consideratum est quod predictus Iohannes quoad predictos xl^a solidos quos cepit pro pulcre placitando inde sine die. Et predictus Willelmus in misericordia pro falso clamore. Et inde sibi perquirat versus predictum Petrum si voluerit. Et quoad predictos .xx^{ti}. solidos captos pro reparatione predicti pontis consideratum est quod predictus Iohannes sit in misericordia pro transgressione et satisfaciat predicto Willelmo de dampnis suis

Dampna .xxj. s. e.t.

b. *The Barons of Hastings and Pevensey*¹ *complain of John de la Rede.*

Assize Roll 911, m. 3.

¶Barones portuum de Hasting et Peuenes' per Willelmum de Bestenoure. Geruasium et Robertum fratres eiusdem Willelmi et Beringerum Tyrel' queruntur de Johanne de La Rede quod cum

¹ A member of Hastings.

ipsi Barones per libertates suas quas habent per cartas predecessorum domini Regis Anglie habere debeant¹ in costera predictorum portuum Inuenciones et² Trovuras suas tam in mari quam illas que applicant³ in litore eiusdem costere: et quedam naus carcata vinis periclitata fuisset in predicta costera extra portum de Peuenes' Ita quod naus illa fracta fuit et dolia in naui illa existencia scilicet quadraginta et sex dolia et una pipa proiecta fuissent super litus predictae costere et cum homines et seruientes predictorum hominum de Portibus/ predicta vina adunassent et cariassent usque Peuenes' ad domos predicti Roberti de Bestenoure et cuiusdam Ricardi Beaupe ad deponendum ea ibi ad opus commune predictorum portuum/ predictus Iohannes die Iouis proxima post Purificacionem Beate Marie anno tricesimo nono vi et armis et cum multitudine armatorum venit ad predictas domos et hostia earundem domorum fregit et vina predicta ab eis violenter abstulit et ea cariare fecit quo volebat contra voluntatem predictorum hominum de Portibus unde dicunt quod deteriorati sunt et dampnum habent ad valenciam .c. librarum

Idem Willelmus et alii pro se ipsis queruntur de predicto Iohanne quod idem Iohannes in crastino del Hokeday anno predicto cum multitudine armatorum venit apud manerium predicti Willelmi quod vocatur Horeseye extra feodum ipsius Iohannis et eciam domini sui⁴ et aueria sua, boues, vaccas, et equos et circa mille et tresdecim oues et omnia viua aueria sua que ibidem inuenire poterat cepit et capere fecit et ea fugare fecit usque Peuenes' Et preterea ibidem cepit et capere fecit octo saccos lane et alia catalla ipsorum ad valenciam centum Librarum et ea detinuit contra voluntatem ipsorum et contra pacem domini Regis Ita quod ea nullo modo deliberare potuerunt per vadium et plegium nec alio modo quousque per vim et extorsionem ipsius Iohannis et contra voluntatem ipsorum finem fecissent pro predictis catallis et aueriis suis deliberandis, per quadraginta et quinque marcas quas Idem Iohannes ab eis violenter extorsit. Dicit eciam predictus Willelmus cuius predictae oues fuerant quod predictus Iohannes dum predictas oues detinuit sicut predictum est/ omnes tondere fecit et totam lanam inde prouenientem retinuit et adhuc

¹ A considerable erasure, over which a horizontal line has been drawn, follows *debeant*.

² *Inuenciones* et interlineated.

³ *quam illas*—*applicant* interlineated. The grant of wreck to the Barons of Hastings is referred to in the 12th cent. charter to Lydd, 1155-1158. Ballard, *British Borough Charters*, i. 184.

⁴ *extra feodum*—*domini sui* interlineated.

est inde in seisina/ et lanam illam nequiter et contra pacem domini regis ei detinet et reddere contradicit. Et preterea predictus Robertus de Bestenoure queritur quod ubi ipse fuerat in pace Domini regis in domo sua apud Peuenes/ predictus Iohannes venit ad eandem domum cum multitudine armatorum et Waldensium¹ sagittariorum cum arcubus et sagittis et omnimodis aliis armis et domum illam tanquam castrum obsideri fecit Ita quod nec ipse Robertus nec aliquis de familia sua exire potuit nec audebat/ et obsidionem illam tenuit et teneri fecit per .xv. dies et amplius per quod idem Robertus mercandisas suas amisit unde uiuere debuit Et precipue nundinas de Insula² que tunc instabant ubi multas mercandisas habuit expediendas/ occasione eiusdem obsidionis penitus amisit unde Idem Willelmus et alii dicunt quod occasione predictarum transgressionum sibi factarum per predictum Iohannem sicut predictum est/ deteriorati sunt et dampnum habent ad valenciam quingentarum librarum Et Inde producunt sectam.

Et Iohannes venit et defendit vim et Iniuriam et quicquid est contra pacem et cetera. Et de prima transgressione unde predicti Willelmus et alii queruntur nomine Baronum predictorum portuum scilicet dicit quod nullam eis fecit Iniuriam Quia dicit quod vult cognoscere quandam veritatem Dicit enim quod quedam nauis carcata vinis periclitata fuit in costera maris de Hasting' in terra Domini Edwardi filii Regis et infra libertatem suam de Hasting' et quancito hoc innotuit hominibus predictorum portuum statim venerunt ad litus Maris ubi predicta vina proiecta fuerunt et cariare fecerunt eadem vina ad predictas domos predictorum Roberti de Bestenoure et Ricardi Beaupé eo quod ipsi ratione libertatis predictorum portuum vendicabant sibi predictum Wreccum ; et quancito hoc innotuit ipsi Iohanni qui tunc fuit Ballivus Petri de Sabaudia in cuius custodia terre predicti Edwardi in Hasting' tunc fuerunt³ statim adiuit Curiam Domini Regis et querebatur de predicta transgressione predicto Petro facta per predictos homines de Portubus Ita quod ad querimoniam suam misit Dominus Rex Henricum de Mara ad partes Sussexie ad faciendam inde quandam Inquisitionem utrum videlicet Wreccum applicans in predicta costera Maris pertineat ad predictum Dominum Edwardum/ an ad predictos Barones portuum. Et dicit

¹ Archers from the Weald were included in Roger de Leyburn's forces in 1266-7. *Exch. Accounts (K.R.), Army, Navy, and Ordnance*, ³/₈.

² Probably the important fair of Lille. See Huvelin, *Le Droit des Marchés et des Foires*, pp. 260-263.

³ See *C. Ch. R.* ii. 42.

quod per eandem Inquisicionem convictum¹ fuit coram prefato Domino Henrico de Mara quod totum Wreccum applicans in predicta costera pertinet ad predictum Dominum Edwardum et non ad predictos Barones unde dicit quod racione predictae Inquisitionis et consideracionis predicti Henrici cepit et capere fecit predicta vina ubi reposita erant per predictos homines de portubus et hoc absque vi et armis et absque hoc quod hostia domorum suarum fregisset vel aliquam aliam transgressionem eis fecisset.

Et predictus Willelmus et alii bene defendunt quod predictus Iohannes non fecit eis predictam transgressionem per aliquam consideracionem nec per aliquam inquisicionem Quia dicunt quod per longum tempus antequam predictus Henricus de Mara accessisset ad partes predictas ad faciendam aliquam Inquisicionem fecerat eis predictus Iohannes predictam transgressionem Et quod Ita sit ponunt se super patriam. Et preterea dicunt quod ipsi nunquam posuerunt se in aliquam Inquisicionem unde aliqua consideracio oriri potuit. Set si aliqua Inquisicio facta fuit/ facta fuit in absentia sua et preter assensum ipsorum. Dicunt eciam precise et profitentur se nolle in Curia ista de predicto Wrecco placitare tum Quia² Barones quinque portuum non debent nec volunt in aliqua curia Domini Regis de libertatibus suis ad predictos Portus pertinentibus placitare nisi tamen in Curia ipsorum propria de Schepe Weye,³ tum quia predictus Iohannes non posset quoad hoc rem deducere in Iudicium qui non est nisi Ballivus set ad presens⁴ tantum petunt emendas de personali transgressionem ipsius Iohannis/ videlicet de fractione domorum suarum et de cariacione predictorum vinorum que fuerunt in possessione sua contra voluntatem ipsorum. Et de predicto Wrecco alias sibi impetrabunt cum viderint sibi expedire. Set quod predictus Iohannes fecit eis predictum transgressionem modo quo predictum est ponunt se super patriam Et Iohannes similiter Ideo fiat inde Iurata.

Et de secunda transgressionem unde predicti Willelmus et alii pro se ipsis queruntur respondet predictus Iohannes quod de predicta

¹ Immediately before *convictum* stands the word *convict* struck through.

² Between *Quia* and *Barones* two words have been erased.

³ Cf. the grant in 1252 to Faversham, in Ballard and Tait, *British Borough Charters*, ii. 199; 'nec alicubi placitent nisi ubi debuerint et ubi solebant, scilicet apud Shipweiam.' The mention of this privilege enjoyed *collectively* by the barons of the Cinque Ports, though not specifically mentioned in a surviving grant till Edward I's charter of 1278, is in no way surprising: see Ch. Petit-Dutaillis, *Studies supplementary to Stubbs' Constitutional History*, i. 87 n.

⁴ *ad presens* interlineated.

naui periclitata applicuerunt sexaginta et quatuor dolia vini de quibus quadraginta et sex que homines quinque portuum adunare fecerant cepit ad opus predicti Domini sui Et quia idem homines portuum residua dolia scilicet xviii elongauerunt, vendiderunt et dederunt ubicunque per patriam. Ideo bene cognoscit quod capere fecit predicta aueria, oues, et lanam quasi nomine districtionis pro predictis vinis residuis et hoc ratione predictae Inquisicionis quam prefatus Henricus de Mare cepit sicut predictum est. quousque predicti Willelmus et alii venissent et finem fecissent pro transgressione predicta/ per predictas .xl^{ta}.v^{que} marcas. Et de tonsione predictarum ouium dicit quod quedam Dionisia de Norton' socrus ipsius Iohannis cuius videlicet filiam ipse habet in uxorem antequam Idem Iohannes predictas oues ceperat emit de predicto Willelmo de Bestenoure lanam prouenientem de octingentis ouibus Ita quod super certo conuenit inde inter eos et postmodum quando Idem Iohannes fecit predictam districtionem per predictas oues/ dum eedem oues fuerant in custodia sua/ instabat tempus tonsionis et tunc ad opus predictae Dionisie que lanam illam emit/ tondere fecit predictas octingentas oues et lanam illam eidem Dionisie liberauit. Et quod non fecit tondere plures oues nec aliquam lanam ad opus suum retinuit ponit se super patriam

Et predicti Willelmus et alii dicunt sicut prius dixerant quod predictus Iohannes eis fecit omnes predictas transgressiones per longum tempus ante aduentum predicti Henrici de Mara ad partes illas et antequam aliqua Inquisicio facta fuit Et de hoc ponunt se super patriam. Et preterea ipsi nunquam posuerunt se in aliquam Inquisicionem Dicunt eciam sicut prius dixerant quod nolunt hic placitare de predicto Wrecco rationibus supradictis sed tamen petunt emendas de personali transgressione ipsius Iohannis videlicet de superfattiosa districtione et eciam de ipsa districtione facta extra feodum suum uel Domini sui et de tonsione predicta ouium dum fuerunt in parco predicto, et de retentione lane inde prouenientis contra pacem Domini regis. Petunt eciam Iudicium de cognitione predicti Iohannis videlicet de hoc quod cognoscit quod tondere fecit predictas octingentas oues et lanam illam tradidit predictae Dionisie ut illi que lanam illam emerat de predicto Willelmo/ cum ad ipsum non pertinebat, licet ita esset, sine assensu et voluntate ipsius Willelmi predictam lanam alicui liberare. Dicunt eciam quod Idem Iohannes tondere fecit omnes predictas oues videlicet mille et tresdecim scilicet tam predictas octingentas oues secundum quod cognoscit.

quam residuas/ videlicet Ducentas et tresdecim et totam lanam retinuit Ita quod predictus Willelmus nunquam habuit de lana predicta nec de precio. Et quod vera sint omnia predicta ponit se super patriam Et Iohannes similiter Ideo fiat inde Iurata.

Et xxiiij Iuratores scilicet .xij. de Rapo de Hasting' et .xij. de Rapo de Peuenes' cum sex militibus adiunctis dicunt super sacramentum suum quod quedam naus carcata vinis periclitata fuit in predicta costera maris Ita quod quedam dolea vini que fuerunt in eadem naui proiecta fuerunt in Littore de Gouding' et tunc venerunt predicti homines quinque portuum et dicebant predictum Wreccum ad se pertinere Et ex alia parte Iohannes de la Rede Ballivus Domini Petri de Sabaud' dicebat predictum Wreccum ad Dominum suum pertinere racione terrarum Domini Edwardi quas habuit in custodia sua Ita quod per contencionem inter eos tandem per assensum utriusque partis predicta vina reposita fuerunt in quodam forhauene vicino littori predicto in domibus predictorum Roberti de Bestenoure et Ricardi Beaup¹ donec discussum esset ad quem pertinere debuit predictum Wreccum. Et dicunt quod predictus Iohannes postmodum per quosdam homines quos ibi miserat vi et armis fregit et frangere fecit hostia predictarum domorum et predicta vina extrahi fecit et cariari quo volebat contra voluntatem predictorum hominum de portubus Et quoad predictam districtiorem et tonsionem predictarum ouium dicunt quod predictam districtiorem fecit omnino sicut predicti homines ei imponunt² auctoritate sua propria et non per preceptum alicuius superioris sui nec per aliquam consideracionem vel Inquisicionem Immo utramque predictarum transgressionum fecit antequam predictus Henricus de la Mare ad partes illas veniret et antequam aliqua fieret inde Inquisicio Et quesiti quare iam superfattuosam districkiorem fecit' dicunt quod per odium et atiam quam Idem Iohannes habuit versus predictos fratres de Bestenoure,³ occasione cuiusdam contencionis inter eos habite. Dicunt eciam quod omnes predictas mille et tresdecim oues dum fuerunt sub predicta districtiione sua' tondere fecit et bene credunt quod aliquam partem lane inde provenientis scilicet quantum voluit⁴ liberauit predictae Dionisie matri uxoris sue in solucionem lane quam eadem Dionisia emit de predicto Willelmo de Bestenoure set hoc fecit absque voluntate predicti

¹ After Beaup^e is the word *tantum*, struck through.

² omnino—imponunt' interlineated.

³ From *occasione* to the end of the case is in darker ink, though by the same hand.

⁴ 'scilicet—voluit' interlineated.

Willelmi et irrequisito eius assensu⁴ et residuum eiusdem lane retinuit videlicet ad minus lanam prouenientem de Ducentis et tresdecim ouibus quam eidem Willelmo nunquam postea reddidit Et dicunt quod omnia predicta catalla ipsorum detinuit quousque per vim et districtionem predictas .xlv^{que}. Marcas ab eis extorqueret. Dicunt eciam quod Idem Iohannes occasione predictae contencionis cum multitudine armatorum obsidere fecit domum predicti Roberti in Peuenes⁵ et ipsum Robertum in eadem existentem per xv. dies ad maximum dispendium et iacturam marcandisarum suarum omnino sicut ei imponit. Dicunt eciam quod predicti Willelmus et alii occasione predictae transgressionis sibi factae dampnificati sunt ut in amissione catallorum suorum et deterioracione aueriorum suorum et disturbacione Wauiaiorum suorum et marchandisarum suarum ad valenciam .c. marcarum et amplius. Et Ideo consideratum est quod predictus Iohannes committatur Gayole pro transgressionem Et Gayole satisfaciatur predicto Willelmo et aliis de predictis dampnis Et quoad predictum Wreccum eo quod predictus Iohannes non potest rem dedicere [*sic*] In Iudicium nec per istam querelam de transgressionem potest terminari ad quem pertineat Wreccum predictum¹ Ideo quoad hoc remaneat res integra absque alicuius partis preiudicio Ita quod quilibet qui necesse habuerit inde sibi perquirat prout melius sibi viderit expedire. Postea venerunt Alanus La Zuche Walterus de Bathon² et Wisclard³ [*sic*] de Sabaud³ et manuceperunt habendi corpus predicti Iohannis coram Domino rege et Iusticiario², In Octabis Purificacionis beate Marie ubicumque etc. Et eis liberatur tanquam in ballium.

c. Distraint out of fee. Peter of Savoy, vouched to warrant, avows the action of his bailiff.

Assize Roll 537, m. 1.

¶ Willelmus vicarius de Estden³ per attornatum suum³ queritur de Galfrido de Braybof quod ipse die mercurii proxima post Pascha anno regni Regis xxxvj. cepit et capere fecit duos boues ipsius Willelmi in Estdene extra feodum suum et domini sui⁴ et illos fugare

¹ The doctrine that *liberum tenementum* could not be made the subject of a complaint is advanced in (c), p. 364.

² This case is not adjourned to Chichester, but *coram rege et Iusticiario* owing to its importance. Unfortunately there is no surviving *coram rege* roll for the Hilary Term of 1261.

³ 'per attornatum suum' interlineated.

⁴ 'extra feodum—sui' interlineated.

fecit usque Peuensee et ibi eos detinuit contra vadium et plegium et dixit quod nunquam eos deliberaret quousque ad curiam domini sui ante portam castrī de Peuensee veniret ad respondendum de hiis que ei obicerentur scilicet die Lune proxima sequenti et idem Willelmus predicto die Lune venit ad castrum de Peuenesee et predictus Galfridus dixit ei quod ipsum sequeretur infra castrum et cum in illud intrasset,¹ Galfridus imponens ei quod ibidem veniret ad explorandum thesaurum domini sui,² ipsum imprisonare fecit in quadam turri et postea exiuit ad curiam suam tenendam et tunc vocare fecit predictum Willelmum sepiissime; et ubi predictus Willelmus audiuit exclamauit quia inclusus fuit in turri predicta et quia predictus Willelmus coram eo ad curiam predictam non venit,³ ipsum amerciavit ad .xl. sol. et illos ab eo iniuste cepit unde dampnum habet et deterioratus est ad valenciam .c. marcarum.

Et Galfridus venit et defendit vim et iniuriam et quicquid etc Et bene defendit quod ipsum non imprisonauit nec imprisonare fecit nec predictam transgressionem ei fecit prout ei imponitur. Et bene cognoscit quod predictos duos boues capere fecit in Estdene extra feodum domini sui¹ pro quadam transgressione quam idem Willelmus fecerat Petro de Sabaudia² domino suo videlicet de tribus doleis vini que fuerunt wreccum pertinens domino suo que applicarunt extra Berling³ et que idem Willelmus ceperat et inde conuictus fuit per inculpacionem et responsionem in plena curia domini sui et per iudicium eiusdem curie amerciatus fuit ad xls.³ et quod aliter predictos boues non cepit nec predictos .xl. solidos cepit alio modo quam pro transgressione predicta ponit se super patriam.

Et Willelmus petit iudicium de cognicione ipsius Galfridi de hoc quod fecit districtionem extra feodum domini sui quia hoc est contra legem terre et precise contra nouam prouisionem etc sed quoad principale placitum quod omnia vera sunt que ei imponit,³ offert verificare per inquisitionem patrie

Et Galfridus dicit quod predicta villa de Estdene est infra procinctum warrenne predicti Petri domini sui et quod idem dominus suus usus est tali libertate quod potuit et potest districtionem facere tam extra feodum suum quam in feodo suo infra procinctum warrenne sue pro omnimodis transgressionibus predictam warrennam tangentibus quam de quibuslibet aliis transgressionibus; et dicit quod de hoc non potest rem deducere in iudicium sine predicto Petro domino

¹ 'in Estdene—sui' interlineated.

³ 'amerciatus—xl s.' interlineated.

² 'Petro de Sabaudia' interlineated.

suo cuius libertas est sed quod aueria predicta non cepit alio modo nec alia ratione quam predictum est ponit se super patriam. Et¹ Willelmus similiter. Ideo fiat inde iurata. Et preceptum est vicecomiti quod venire faciat a die Pasche in tres septimanas coram Hugone le Despenser ubicunque etc. .xxx.² etc. per quos etc. et qui nec etc. ad recognoscendum etc. In forma predicta. Jur'

Postea venit predictus Petrus de Sabaudia. Et quoad predictum Wreccum bene advocat factum predicti Galfridi et predictam distractionem factam extra feodum suum, et quod bene licet ei predictam distractionem facere extra feodum suum. Dicit etiam quod ipse habet tres precipuas libertates spectantes ad honorem de Mortoyne et castrum suum de Peuenesee videlicet quod totum wreccum applicans inter has diuisas scilicet inter le Forhauene de Peuenese et quandam Rupem que vocatur le Wassebete extra Seford' suum est et esse debet et semper consuevit in cuiusque terra applicuerit. Preterea dicit quod habet quandam warennam per certas metas et diuisas videlicet in omnibus terris et tenementis que unquam fuerunt comitis de Mortayn de quocunque terre ille modo teneantur. Dicit etiam quod ipse habet nouem Hundreda et dimidium spectantia ad predictum honorem. Preterea dicit quod ipse habet quandam libertatem tenendi quedam placita ad portam castri sui de Peuenesee que talis est quod de omnibus transgressionibus sibi factis infra predictas diuisas de la Forheuene et de Wassebete et infra procinctum predictae Warenne et etiam infra procinctum predictorum hundredorum siue fuerint transgressionibus de warennam, siue de wrecco, et etiam de omnibus querelis de quibuscunque personis pro quocunque sibi factis tam extra feodum suum quam infra³ predictas metas et procinctum sicut predictum est debet ipse et balliui sui summonitiones et attachiamenta facere et Iustitiam inde tenere ad predictam portam predicti castri et hac libertate tam comites de Mortoyne qui predictum honorem tenuerant semper usi fuerunt et etiam dominus Rex postquam Idem honor in manus suas deuenit et etiam idem Petrus toto tempore suo eadem libertate usus est; unde quoad transgressionibus sibi factas in predicta warennam sua vel de predicto wrecco sui et etiam quoad querelas factas balliuis suis de aliis personis de quibuscunque transgressionibus factis infra predictas metas et procinctum unde predicti Galfridus de Breybof et

¹ From this point to the ending of the case the text is in another hand.

² Probably, as in (*b*), the juries of the rapes of Hastings and Pevensy with six knights added.

³ 'tam—infra' interlineated.

ad Iudi-
cium

Iohannes de la Rede ballivi suo modo querelantur.¹ bene aduocat omnes predictas districtiones factas tam extra feodum suum quam in feodo, dum tamen rationabiles sint districtiones et non superfattuose, et hoc ratione predictæ libertatis sue. Et² desicut predicta libertas est pertinens ad liberum tenementum suum.³ petit iudicium si debeat inde sine Breui respondere. Et Willelmus per attornatum suum petit iudicium desicut queritur de personali transgressione, videlicet de captione aueriorum suorum et detentione contra vadium et plegium; et predictus Galfridus qui districtionem illam aduocat se vult defendere per predictum Petrum Dominum suum vocando ipsum ad warrantum.⁴ et idem Petrus aduocat predictum factum balliui sui.⁵ et si idem Petrus non debeat incontinenti sine aliquo breui respondere desicut predicta loquela Incoata fuit in itinere capitalis iusticiarii qui huiusmodi placita potest et debet placitare sine breuib.³ Dies datus est eis de audiendo iudicio suo a die Pasche in tres septimanas coram H. le Despenser ubicunque etc.

d. *A conflict of rights.*

Assize Roll 537, m. 1.

¶Iohannes la Ware per attornatum suum⁴ queritur de Galfrido de Braybof quod ipse per Iuonem le Warner et plures alios⁵ die Veneris post diem sancti Clementis anno xxxij cepit et capere fecit duo dolea vini super terram suam de Exete et ea que carcata fuerunt in caretis ipsius Iohannis deicere fecit usque Wylendone contra pacem etc unde deterioratus est et dampnum habet ad valenciam .xx. marcarum.

Et Galfridus venit et defendit vim etc et quicquid etc Et vult cognoscere ueritatem et dicit quod duo dolea vini applicuerunt super terram predicti Iohannis et ipse venit ibidem et capere fecit predicta dolea tanquam wreccum pertinens Petro de Sabaudia domino suo quia dominus suus debet habere totum wreccum applicans inter

¹ Et . . . ending of case in much smaller writing, but most probably in the same hand.

² It is a little difficult to determine the place of these two last sentences in the plea. Probably the sense is: 'et quia predictus Galfridus . . . se vult defendere, et idem Petrus advocat predictum factum balliui sui, [petit iudicium] si idem Petrus non debeat incontinenti sine aliquo breui respondere.'

³ An interesting and, if true, important statement on the competence of the Justiciar.

⁴ 'per attornatum suum' interlineated. John la Ware was steward of Earl John de Warenne: A. R. 911, m. 6.

⁵ 'per plures alios' interlineated.

quoddam Firrhauene de Peuenes' et portum Wassebetel de Sefford in cuiuscunque terra applicuerit. Et dicit quod de hoc non potest rem deducere in iudicium sine predicto Petro domino suo

Idem Iohannes per attornatum suum¹ queritur de predicto Galfrido quod ipse die Lune proxima ante diem omnium sanctorum anno xxxv per Willelmum Blysse cepit et capere fecit duos leporarios ipsius Iohannis super terram suam de Fokinton'² et eos abducere fecit usque Peuenes' et ipsum Iohannem non permisit fugare super terram suam propriam contra pacem etc. Et similiter quod idem Galfridus die martis proxima post Octabas Sancti Iohannis ante portam latinam anno 'xxxvij' cepit et capere fecit per Iuonem le Warener et Galfridum socium suum Falcones suos qui nidificant super terram suam de Exete et ipsos asportare fecit usque Laston' unde deterioratus est et dampnum habet ad valenciam 'xx' marcarum.

Et Galfridus venit et defendit vim etc. Et bene cognoscit quod predictos leporarios capere fecit quia ipsos inuenit in Warennia domini sui ubi quendam ieporem ceperunt, et licet terra sit ipsius Iohannis ubi leporarios cepit' tamen infra warennam predictam illos capere fecit. Cognoscit etiam quod predictos Falcones capere fecit ad opus domini sui quia ad ipsum pertinet predictos Falcones in loco predicto habere et dicit quod de iure domini sui non potest rem deducere in iudicium sine domino suo etc.

Postea venit predictus Petrus de Sabaudia et respondet ut supra³ et petit Iudicium si debeat inde respondere sine Breui. Et predictus Iohannes replicando respondet ut supra et petit Iudicium ut predictus Walterus⁴ supra sicut patet in superiori recordo et datus est eis Idem dies ut supra de audiendo Iudicio suo.

¹ 'per attornatum suum' interlineated.

² Folkington, in East Sussex, four miles south-west of Hailsham. Cf. *R. H.* ii. 208 (in answer to *Qui clamant habere libertates*, etc., 1274). 'Dicunt quod Iohannes la Ware habet libertates apud Fokinton et assisam panis et cereuisie nesciunt quo warranto.'

³ As in (c), the preceding case. The last paragraph is in the hand which finished (c).

⁴ This is Walter le Frankely who complained of Geoffrey de Braybof for wrongful imprisonment for a similar alleged offence of taking greyhounds: A.R. 537; m. 1d. No record of this case appears to be on the earlier roll, No. 911; so that 'in superiori recordo' may mean 'in the record above' and the dorse of the first membrane contain cases heard and enrolled before those on the face.

THE PROVISION OF THE BARONS IN 1259.

Cambridge Univ. Library. MS. Mm. 1:27, f. 73 b. The heading is underlined in red. The beginnings of the second and subsequent clauses are marked by large black dots both in the text and in the margin.

The readings of the *nova provisio magnatum Anglie* (March 1259) in Cotton MS. Nero D. 1, f. 82, which repeats the first part of this provision, but breaks off abruptly in the middle, are given in the footnotes as N.

Providencia¹ baronum Anglie · Anno regni regis Henrici · xl· secundo · 1 de sectis curiarum.

Sic iustum et conueniens² esse videtur ut scilicet tenens quando ex forma sui feofamenti³ tenetur ad sectam per verba in carta⁴ sua contenta. eam faciat in forma feofamenti³ sui.

¶ Illi autem qui feofati sunt per cartas continentes seruicium certum · pro omni seruicio et consuetudine · et per specialia uerba in carta contenta. non tenentur ad ipsam sectam faciendam de cetero.⁵

¶ Illi autem qui tempore conquestus/ vel a tempore ultra quod accio non conceditur sectam continue⁶ fecerunt pro tenementis suis/ eam faciant/ sicut antiquitus facere consueuerunt/ nisi quietam clamantiam postmodo habuerint.⁷ ¶ Illi autem qui nec sectam facere consueuerunt⁸/ nisi quidem nouiter per districtionem et voluntatem magnatum/ aut aliorum ad ipsam sectam faciendam sunt coacti/ de cetero facere non teneantur/ nec aliquo tempore valeat dominis curiarum huius habere seisinam⁹ ut per eam accionem aliquam contra tenentes de cetero instituere possint.

¶ Prouisum est insuper ut si hereditas de qua una secta tantummodo¹⁰ debetur et ad participes plures eiusdem hereditatis deuoluatur/ aut forte ad¹¹ plures manus hereditas illa per feofamentum deueniat/ unica inde¹² fiat secta/ prout dum¹³ hereditas fuit¹⁴ integra fieri debuit et¹⁵ consueuit/ et participes huius hereditatis/

¹ Above the word *Providencia* is written in a late fourteenth-century hand 'Merton' / de sectis curiarum', a note to show that the Statute of Merton is found on the recto.

² Iustum et conueniens N.

³ feofamenti N.

⁴ cartis N.

⁵ de cetero non teneantur N.

⁶ continuo N.

⁷ nisi

postmodum inde quietanciam habuerint N.

⁸ Illi autem qui nec per formam

cartarum suarum ad sectam tenentur nec ab antiquo sectam facere consueuerunt N.

⁹ valeat dominis huius seisisa N.

¹⁰ una secta una tantummodo N.

¹¹ ad

is inserted above line. Exactly similar reading in N, a significant point.

¹² non N, obviously a slip.

¹³ si N.

¹⁴ integra fuerit N.

¹⁵ aut N.

contribuant ad sustentacionem secte predictae ¶ Simili eciam modo contribuere teneantur qui ex feofamento tenent huiusmodi hereditatem/ nisi feofator eorum eos inde debeat et possit acquietare ¶ Videtur autem conueniens quod si domini curiarum¹ aliquos² contra hanc prouisionem ad sectam faciendam distringant/ tunc ad querelam tenentis domini attachiantur³/ quod ad diem breuem sibi prefigendum venient ad curiam domini Regis/ inde responsuri⁴ dum tamen unicum precedat essonium⁵ si fuerint infra regnum⁶/ et interim deliberentur aueria si capta fuerint occasione predicta/ et deliberata remaneant⁷/ quousque placitum inter ipsos fuerit terminatum.

¶ Et si illi de quibus querela facta fuit⁸ ad diem sibi per essoniatorem suum datum venire contempsit⁹/ tunc procedatur ad districcionem per terras et catalla¹⁰/ quod veniant ad alium diem sibi prefigendum ¶ Et si tunc ad diem illum non venerint tunc ille dominus curie/ seisinam amittat illius secte et tenens inde quietus recedat/ donec ipse qui sectam illam exigit/ sibi perquisierit¹¹ per breue de recto/ si sectam illam ulterius exigere velit.¹² ¶ Si vero illi qui sectam exigunt venerint et ostendere non possint quod secta illa ad ipsos pertineat/ conquerentibus dampna sua restituant que per huiusmodi districcionem a tempore huius constitutionis sustinuerunt¹³/ et conquerentes de secta illa quieti remaneant¹⁴ ut predictum est. ¶ Similiter autem tenentes si sectam illam¹⁵ subtrahant ad quam per hanc constitutionem tenentur et quam hucusque fecerunt¹⁶/ domini curie sub eadem sceleritate¹⁷ suam consequantur iusticiam/ ita quod si tenentes post districcionem factam per terras et catalla ad curiam domini Regis [venire] contempserint/ domini curie per defaultam tenencium Seisinam suam recuperent de secta predicta/ donec tenentes per legem terre sibi inde perquisierint¹⁸ si forte prius ad huiusmodi sectam de iure non tenebantur. ¶ Et subtrahentes sectam illam debitam et consuetam/ ad dampna dominis suis refundenda¹⁹ que per hanc subtraccionem a tempore

• Nota

¹ dominus curie . . . distringat N. ² N omits aliquos. ³ attachetur (for attachietur) N. ⁴ responsurus N. ⁵ unica procedat essonia N; evidently the scribe thought essonia was the singular. ⁶ et si fuerit infra (sic) regnum N. ⁷ permaneant N. ⁸ fuerit N. ⁹ sic: contempserint N. ¹⁰ N adds sua. ¹¹ perquisietur (sic) N. ¹² N is unintelligible: si sectam illam ulterius exigere uoluerit cum uenerint ostendere non possint quod secta illa ad ipsos pertineat. ¹³ sustinuerunt N. ¹⁴ permaneant N. ¹⁵ suam N. ¹⁶ fecerint N. ¹⁷ celeritate N. ¹⁸ donec tenentes inde sibi perquisierint N. ¹⁹ ad dampna domini sui refundendum N.

huius constitutionis sustinuerint/ compellantur ¶ De hiis autem sectis¹ que ante constitutionem istam subtracte fuerant de quibus actio dominis curiarum² competebat/ currat accio secundum easdem leges et constitutiones secundum quas prius³ currere consuevit.

¶ De turnis⁴ vicecomitis qui pro pace domini Regis conseruanda fuit provisum⁵/ et ubi essonium⁶ non habet locum/ nec admittitur attornatus/ sic prouisum est/ ut nec episcopi nec Abbates, nec priores, nec comites aut barones ibi necesse habeant venire⁷

¶ Similiter autem nec alii ampla feoda tenentes per que ad pacis et legis obseruanciam satis sunt astricti, nisi specialiter et ob specialem causam ibi fuerint vocati/ unde eciam contradictum est ut qui⁸ feoda habent per que satis astringuntur ad pacem et legem obseruandam non puniantur, si ad turnum non venerint/ dum tamen eodem tempore infra balliam non fuerint ubi turnus teneatur, aut egritudine, aut alia impotencia que per liberos et legales homines testificata fuerit non puniantur si ad turnum non venerint.

¶ Quicunque autem ibi venire tenentur et defaultam fecerint/ non amerciantur⁹ nisi secundum formam amerciamentorum que in magna carta continentur/ nec compellantur ad eum turnum venire nisi illi qui de singulis illis ad inquisitionem faciendam/ fuerint necessarii/ prout continetur in carta predicta

¶ Illud autem communiter concessum est et contradictum ut fines pro pulcro placitando/ uel per sic quod non occasionentur, de cetero non capiantur

¶ Provisum est insuper a domino rege nec non a proceribus contradictum ut in actione dotis que dicitur unde nichil habet/ dies de cetero a tribus septimanis in tres septimanas semper prefigatur

¶ Similiter in assisis ultime presentacionis/ et in placito quod dicitur/ quare impedit/ ne contra iusticiam fraus fiat ecclesiarum patronis

¶ De cartis autem exceptionum¹⁰ scilicet ne in assisis/ iuratis/ inquisitionibus/ seu recognicionibus ponantur impetrantes/ sic a proceribus contradictum est/ ut si necessarium sit eorum iuramentum veluti propter magnam assisam/ aut alias assisas, ubi sine ipsorum iuramento iusticia fieri non possit/ iurare compellantur/ salua tamen eis extra causas consimiles indulgencia a principe sibi concessa.

¶ Provisum est eciam de consilio et consensu magnatum et procerum ut accio siue breue de ingressu/ ad gradus de cetero non

Nota

¹ De aliis autem sectis N.
turno N.

² curie N.

³ N omits prius.

⁴ De

⁶ essonia N.

⁷ convenire N.

⁸ Here the Nero text (N) abruptly

breaks off. ⁹ for amercientur.

¹⁰ for exemptionis.

arcetur.' sed locum habeat ad quantumcunque gradum res perueniat deforciata/ dumtamen huius accionis prescriptam viam non precludat petenti. ¶fit autem huius accionis prescriptio.' sicut et mortis antecessorum ¶Forma autem brevis talis in huiusmodi causis competenter esse potest ¶Rex vicecomiti salutem. Precipe Rogero de mortuo mari quod iuste et sine dilacione reddat Petro de monte forti manerium de Stoke cum pertinenciis quod idem dimisit Rogero de Sancto Iohanne ad terminum qui preteriit, et quod ad ipsum Petrum reuerti debet ut dicitur, et nisi fecerit etc. ¶Iterum de essoniis conueniens est videlicet ex quo de iuris beneficio conceduntur essonia.' nullus cogatur iurare de impetencia¹ veniendi, set fidelitati ipsius credatur, qui se fecit essoniare.' secundum iuris beneficium; non enim videtur necessitas que ex infirmitate proueniet eam² esse Nota quare concessum fuit essoniari, cum per attornatum possit ventilari, sed magis ex iuris beneficio et equitatis, et pro possidente quodam modo prebuntur/ Conceditur namque ipsis attornatus idem beneficium cum ipsi ad prosecutionem seu defensionem causarum fuerint assignati/ Exemplum huius est.' Essonium de malo lecti, ubi adiudicatur languor secundum statum.' quod asserit et pretendit. ¶Contradictum est eciam ut accio de morte antecessorum.' sicut contra custodes concedatur.' sic eciam contra omnes ingressum per ipsum habentes concedatur/ nec obesse debet quod breue de ingressu in quibusdam casibus haberi possit.' cum aliud breue sic originale uniuersaliter locum non habeat/ et eciam quia ubi in eodem casu acciones diverse haberi possunt nullam alteram tollit veritatem.' simul et semel institui diverse non possunt.

¹ for impotencia.

² one would expect talis.

Note.—With the last two clauses should be compared the ending of the Addamenta version of the Provisions of Westminster, p. 376. The judges seem to be arguing, as in a Year Book. One side suggests that, if the writ of entry was allowed to be used against guardians or their delegates as well as the action of *mort d'ancestor*, alternative actions would be provided for the same circumstances. On the other hand it was urged (*contradictum est*) that this did not matter; the one action did not invalidate the other, and plaintiffs would have to choose one or the other. The reading of the Provisions of Westminster, *nullam ipsarum alteram tollit. Verumtamen etc.* is probably the correct one.

VI

THE ST. ALBANS *ADDITAMENTA* VERSION OF THE PROVISIONS OF WESTMINSTER.

MS. Cotton, Nero D. I, f. 138 b. Readings in the Close Roll version (44 Hen. III, m. 18 d.) of the first (Latin) section are given in the footnotes as A; in the C.U.L. MS. Mm. I: 27, f. 74, 74 b, as B; and in the Burton Annals (MS. Cotton, Vespasian, E. III, ff. 88-90 b) as C. Headings in red, paragraph marks red and blue. Initial letter of paragraphs in blue.

Prouisiones noue Baronum subscribuntur hic · tam de Iusticiariis itinerantibus · quam de singulis articulis iusticie et pacis. Que et latine scribuntur et Gallice.

Prouisio de illis qui de consilio una cum Iusticiariis itinerabunt per diuersa loca ad inquisitiones faciendas et transgressionem emendandas uel corrigendas ante pascha .anno. xliiij^o.¹

Quod sex de consilio regis eligantur · quorum quilibet una cum aliquo de .xij. et aliquo de iusticiariis ad hoc eligendis eant² [*sic*] in uno sex locorum per angliam que debent [*sic*] diuidi per comitatus et inquirent de transgressionibus factis contra³ eosdem articulos quos habent ordinatos per consilium. Et placent breuia de dote · unde nichil habet · scilicet de tenemento · unde vir mulieris obiit seisitus ut de feodo⁴ · de ultima presentacione de morte antecessorum · et de noua disseisina · et de attinctis. Ita quod si eadem placita infra tam breue tempus terminari non possint⁵ ea terminent coram Banco⁶ preter placitum noue dissaisine.⁶

Quod per breuia domini regis mandetur vicecomitibus quod publice clamari faciant in ciuitatibus · burgis et mercatis quod omnes qui conqueri uoluerint de transgressionibus factis a septennio et citra que coram Iusticiariis antea non fuerunt terminate et que terminari possunt sine breui excepto placito⁷ de corona · nisi ille qui appellatus uel [rettatus]⁸ fuerit sit in gaiola ueniat coram predictis ad dies et loca · que in predictis literis domini regis continentur.

¶ Item quod uenire faciant coram eis predictis diebus et locis .xij. tam milites quam alios liberos et legales homines que⁹ quolibet

¹ so B. A omits date, reading ad inquisitiones faciendas et transgressionem corrigendas uidelicet quod sex, etc.

² B inserts eat after per comitatus.

³ secundum A, B, omitting eosdem.

⁴ A omits ut de feodo.

⁵ coram

iusticiariis de banco A.

⁶ B inserts et placent de omnibus querelis exceptis libero tenemento pertinentibus—an important qualification—after dissaisine.

⁷ exceptis placitis A, B.

⁸ rettatus A, B.

⁹ obviously a slip for de, as

A, B.

hundredo · quibus illi de consilio libent¹ [*sic*] primo die articulos de quibus est inquirendum · et assignent eis² alium diem rationabilem quod redeant coram eis. Et reddant suum uerdictum cum predictis articulis.

Quod³ secundum querelas et ratione earum summoniantur et attachientur transgressores · quod sint coram eis locis et diebus quibus predicti .xii. cum suo uerdicto redibunt · Ita quod ueniant sine essonio nisi rationabilis causa subsit quare debeant essoniari · que possit inquirei per uicinos.

¶ Item Quod publice clametur sicut predictum est quod omnes qui post ultimum parleamentum⁴ Oxonie aliquid dederunt quibusdam balliuis domini regis uel aliis pro iusticia habenda uel facienda seu differenda⁵ illud statim exponant predictis iusticiariis · alioquin si per alios inde conuincantur/ grauiter puniantur · secundum quod continetur in prouidencia facta per consilium.

¶ Quod publice clametur sicut predictum est · quod omnes balliui domini regis uel balliui magnatum a septennio uel citra sint coram predictis de consilio⁶ in eorum adventu.⁷

¶ Quod si aliqui conqueri uoluerint de vicecomitibus uel eorum balliuis de aliquo gravamine uel iniuria illata uel de hospitiiis captis aut prisis factis contra eorum sacramentum uel⁸ contra articulos contentos in prouidencia nuper facta per consilium⁹ tunc capta securitate de proseguendo · statim fiat conquerenti plena iusticia. Et hoc idem fiat de magnatibus et de eorum balliuis · si domini eorum requisiti non fecerint conquerenti iusticiam.⁹

¶ Quod inquiretur si balliui magnatum¹⁰ prestiterint sacramentum in omnibus quale¹¹ vicecomites et alii balliui domini Regis fecerunt anno preterito · scilicet¹² de seruiendo fideliter domino regi in hiis que ad ipsum et libertates suas pertinent et dominis suis in hiis que ad ipsos et libertates suas pertinent · et dominica eorum¹³ · et de obseruando alios articulos contentos in literis domini regis missos anno preterito per comitatus. Similiter¹⁴ fiat si quis conqueri uoluerit de iniuria sibi facta contra libertates in magna carta contentas post ultimum parleamentum Oxonie.¹⁴ ¶ Quod inquiretur

¹ *evidently for libenter.*

² *B omits eis.*

³ *Item quod A.*

⁴ *parliamentum A, B.*

⁵ *defendenda B, a ship.*

⁶ *coram predictis iusticiariis A.*

⁷ *in eorum aduentu in crastino Epiphanie A, B.*

⁸ *et A, B.*

⁹ *After*

iusticiam A inserts similiter fiat si aliquis conqueri uoluerit de iniuria facta contra libertates in magna carta de libertatibus contentas post ultimum parliamentum Oxonie.

¹⁰ *After magnatum A inserts qui custodiunt hundreda que tenentur de Rege ad feodi firmam.*

¹¹ *qualiter A.*

¹² *A omits.*

¹³ *et libertates et*

dominia eorum pertinent A.

¹⁴ *A omits*

Similiter fiat . . . Oxonie, having inserted the clause earlier.

que libertates et que uille geldabiles seu alia iura ¹ subtracte fuerint ² domino regi sine waranto et a quo tempore · et per quos · et habeant predicti Iusticiarii secum rotulos de inquisitionibus dudum factis de iuribus et libertatibus domini regis · quando dominus Rex fuit ultimo in Scocia ³ · et similiter de inquisitionibus nuper factis per iijor. milites ¶ Quod inquiretur de malefactoribus et eorum receptatoribus.

¶ Item si quis magnatum uel alius pro aliquo dono uel redditu receperit aliquem qui non esset homo suus sub aduocatione uel tuicione sua contra dominum · uel uicinum eius aut contra alium post purificationem beate uirginis anno regni regis xxiiij^o.

¶ Die lune proxima post festum sancti Nicholai liberentur articuli .xij. de quolibet hundredo · et audiantur querele et tunc assignetur eis dies in crastino Epiphanie ad redeundum cum articulis · et ad prosequendum querelas.

De Wardes, de cuntez, e de vescuantes.

Purueu est ke la haute Iustice e le Tresurer · sire henri de Ba · e leschaitur vendent les Wardes le rei ke oz endreit sunt en la main le rei,⁴ ¶ Ensement est purueu ke la haute Iustice e le tresurer henri de Ba · Sire roger de Turkelbi oue le consail de lescheker ordeinent e puruaient de cuntes e de vescuantes.⁵ ¶ Et ceus memes purueient coment bref de purueances des establicemenz issint hastiement hors de la chancelri issantez⁶ ¶ Et ceus memes purueient en queus articles la raine deit aver or. ¶ Et ceus memes ueient⁷ al escheker les sumes de tutes les maners de taillage · ke vnt este mis pus le tens co⁸ rei · e quez amuntent⁹. ¶ Et ceus memes purueient cument lem deit aler auant en plaiz de Wardes · e de eschetes · e en plez de Custumes e de plez de Warantye de Chartre e de couenant e de bref de trespas¹⁰ · Coment lem pot abreger sulun dreit le delay · e des autres semblables plez.¹¹

¹ A omits seu alia iura. ² sint A. ³ A has de inquisitionibus factis iam tribus uel quatuor annis elapsis in autumpno super iuribus Regis.

⁴ As gardes vendre maintenant seient mis la Iustice · le tresorer · mestre de Wimundeham · sire Roger de Torkeby · sire Henry de Baa · E ke ces memes ordeinent et purueient en queus articles la reine deit aver or C.

⁵ C specifies no names, but simply says ke deus prodes homes seient purueuz a ordener ensement oveke le conseil del escheker des vescuantes et des cuntez.

⁶ E purueu seit coment les brefs de purueances et des establissemens hors de la Chancelerie iscerunt sanz delay C.

⁷ vengent al escheker et veient C. ⁸ cest C. ⁹ E ke il esment cum ben chescun poet amonter C.

¹⁰ E ces memes purueient coment lem deit aler avant en plez de costumes et de servises. Ensement purueient coment lem deit aler avant en eschaies et en gardes. C, omitting warranty of charter, covenant and writ of trespass.

¹¹ This sentence is entirely omitted by C.

¶ Purueu est ke la Iustice oue le conseil des autres e del escheler [sic] purueient quele gent irrunt entuz¹ les Cuntez de engleterre pur amender les forzez e les trespas ke poent estre termine sant bref.²

E queus deus prodes homes sages seient ouek la Iustices au banc. e autres deus · e ceus al eschecher pur veer ke draitur sait fet e tenu.³

¶ Purueu est ke quater cheualers seient mis en checun cunte a ver les thorz⁴ ke vescuñtes funt. E si il auent ke tors facent · ke ceus quater amonestent les vescuñtes ke le facent amender · E si il ne uolent amender · mettent les torz feez en roule⁵ · e les mustrent⁶ a la haute Justice al chef del an · V kant la Justice le demandera v avant si il le demande · Si issi est ke le plaignif a ki le tort est fet voile suyre⁷ · e ke ceus deuant dit chiualers ne eent poer⁸ a desturber les vescuñtes de lur office fere. ¶ Purueu est ke la haute Justice · le Chanceler · e le Tresorer demorent en lur baillies tekes al prochein perlement.⁹ ¶ La Haute Justice · le Tresorer · sire Henri de Ba · Sire Roger de Turkeby · les baruns del Eschequer puruaient maintenant queus prudes homes leus¹⁰ e sages seient vescuñtes cest an · e saient vauassurs de memes les cuntes · E encuntre le prochein¹¹ an al prochein¹¹ cunte auant le saint michel saint¹² eslu¹³ en plein Cunte quater prudes homes e leus e ke seient profitable au rei e al cunte en cel office · e seyent presente a la sain Michel a le cheker.¹⁴ E les Baruns preinent¹⁵ les plus suffisanz a lur esgard.¹⁶ ¶ Derichef seient eslu¹⁷ par la haute Justice e le Tresorer prudes homes e sages a purver¹⁸ en cest advent e en ces Jurs de festes encuntre le proceyn parlement ce ke serra a amender al grant eschequer · e al eschequer de Geus · E par ces memes seyent purueu renables sustenemenz¹⁹ a ceus ki serrunt al vn eschequer e al autre.

¶ Purueu est ke sire Thomas de Greley²⁰ Justice de la forest prenge [second column] Nichol²¹ de Romesy e treis cheualers le Chescun Cunte · e enquer- gent lestat des forest de veneisun e de vert²² · e de ventes e destruccion · e par ki ele²³ sunt fetes · E enquergent des maimes²⁴

¹ entuz, i. e. en tous. After the o an r has been expunged, and the letter z is inserted above the line. ² C omits this clause. ³ This seems a very ragged version of C, Purueu est de mettre deus prodes homes del commun ou des xii ke sunt

par le commun ou des autres oveke les iustices al banc. E ke il veient ke dreiture seit fete. E en meime la manere seient mis deus prodes homes del commun ou des xii ke sunt par le commun ou des autres al eschequer. ⁴ pour ver les torz C.

⁵ en un roule C. ⁶ mostrent C. ⁷ kant il les demandera ou avant, si il les demande si einsi est ke les plaignifs as quels les torz sunt fez voillent suivre C.

⁸ ne eient nul poer C. ⁹ C omits this clause. ¹⁰ leaus C. ¹¹ prochein C.

¹² seient C. ¹³ esluz C. ¹⁴ e seient a la Saint Michel al eschequer C.

¹⁵ prengent C. ¹⁶ esgart C. ¹⁷ esluz C. ¹⁸ C. omits. ¹⁹ E par ces meymes seit purueu resnable sustenement C.

²⁰ Gresly C. ²¹ Ramesey C.

²² de vert et de veneyson C. ²³ eles C. ²⁴ maluaises C.

usages de plez de la forest · e par queus ele sunt leuees¹ e de queu² tens · e quant ceo auera fest · face le asauer au rey e a sun consail.

¶ Memes cest manere sait fet de forest de la Trente ke la Iustice puruei quatre Cheualers a enquere³ de tutes les forzez resuz de la Trente e la mere desuz dite.⁴

¶ Le erceveske⁵ · le esueche⁶ de Wyrcestre · le Cunte Mareschal⁷ · le Cunte de Warewic seyent oue⁸ la Iustice a graunt besoignes⁹ del regne treter tant cum le roy est ors de engleterre.¹⁰

¶ Sire philippe Basset · Sire Roger Mortim' seyent adessement oue⁸ la Iustice.

¶ Purueu est ensement¹¹ ke la haute Iustice purueie ke les chasteleins eient sustinances renables¹² al¹³ chasteus le roy garder · e a sustiner¹⁴ les.

Queus Iustices irrunt en quels cuntes.¹⁵

¶ Norfolch' · Suffolch'
Cantebr' Huntedon

Philipp Basset
Will' de Wilton'.

¶ Wiltesir' Oxon'
Berskir'

Nich' de Turr'
Hug' le despens'¹⁶

¶ Gloucestr' Hereford'
Wigorn'

H. de Bracton'
Com' Hereford'

¶ Cancia' · Sussex' · Sutht'
Essex' · Hertford' · Middel'¹⁷

Hug' Bigod'.¹⁸

¶ Sum's' Dorsir'
Deueness'

Ioh' de Weyuile
Com' Warr' · Ioh' de Grey.

¶ Northamthun' Bu
kingham · Bedeford'

Egidius de Erdington'
Iacobus de Audel'

¶ Lincoln' · Salopesbir'
Leycest' · Staford ·
Warewyk

Gilb' de preston
Senescallus de Monte alto¹⁹
Et I. de Verdun'.

¹ alevez C. ² quel C. ³ e enquere C. ⁴ les forestz de la
Trente en la manere ke est desuz dit C. ⁵ le erceueskes C. ⁶ eveske C.
⁷ le cunte le mareschal. ⁸ oueke C. ⁹ bossouin C. ¹⁰ hors de
Engleterre C. ¹¹ C omits. ¹² resnable sustenance C. ¹³ as C.
¹⁴ sustenir C. ¹⁵ In Close 44. Hen. III, m. 18 d. this section is placed
immediately before the (Latin) instructions for the Eyre. ¹⁶ Postea loco predicti
Hugonis constitutus fuit Willelmus de Englefeud', quia idem Hugo ad hoc
intendere non potuit. ¹⁷ A adis London'. ¹⁸ per se ipsum vel per alium
quem ad hoc prouidebit A. ¹⁹ Rogerus de Monte alto A.

De sutes de curz a seignurs e purueu issi.

Des sutes de curz a seignurs est issi purueu ke nul ne seit destraint desoremes a suthe fere a la curt sun seignur · si especiaument ne seit contenu e sa chartre ke il deue sa tere tenir par certain seruise e fesant siwte a la curt sun seignur. [*As in Burton Annals, but clauses are unnumbered and are divided by paragraph marks. There is only one important variant: Cl. x: Ensement en assises de derain present. Ensement en essoines del derein presentement C. At end of cl. xiii in C, cum par bref de nouel deseisine, stands the new sub-heading:.*]

De Gardes e escuages.

[f. 139 b.]

De garde de escuage¹ est issi purueu [*as in Burton Annals, Clauses xiv-xviii inclusive. The clause Purueu est ke nul est destreint . . . de la fraunchise, cl. xix, para. 1 in C, is succeeded by Purueu e ke nul bailif ke acunte deit rendre . . . averages, this clause being followed by Purueu est ke nul haut home desoremes . . . sanz especial comandement le rey,² cl. xx in C, and Purueu est ke nuls fermers en tens de lur fermes . . . damages, cl. xxi in C. Then the new sub-heading:.*]

Des amercimenz.

¶ Iustices desoremes errans³ ne amercierunt⁴ les vilees en lur eire porce ke chescun home de dusz annz ne veinent⁵ as enquestes fetes devant coroner⁶ de mort de homme v de autre choose ke apent a la corone · pur quei ke de memes les vilees veinent⁷ suffisantment gent par quei lem pousse⁸ les enquestes fere.

¶ Nul coroner ne vescuente ne autre bailif desoremes ne amercie les vilees pur co ke il ne veignent as enquestes. Mes la v il trouent la defaute seit mis en roule le coroner⁹ · e presente deuant Iustices erranz ke unt poer amercier les vilees et nul autre homme.¹⁰

¶ En eire de Iustices desoremes ne sait mordre¹¹ esgarde de ceus ke sunt more par mesaventure · fors sulement de ceus ke sunt occis par felunye.

¶ Nule Iustice ne vescuente ne autre bailif desoremes ne amercient¹² [f. 140 d.] les vilees pur uthas † lem tement swy †¹³ · si il ne seit leue pur

¹ De garde de socage C. ² sanz especiaument ke si le rei le eit comande C.
³ erranz desoremes C. ⁴ amercient C. ⁵ uenge C. ⁶ coroners C.
⁷ uengent C. ⁸ lem pousse convenablement C. ⁹ des coroners C. ¹⁰ et nul autre C.
¹¹ ne seit mordre desoremes C. ¹² amercie C. ¹³ pur huthes leve et neut siwi (*levé et non pas suivi*) C, obviously the correct reading. The scribe cannot have understood the meaning of the phrase.

renable achesun · cum pur mort de homme · de robberye · v de play¹ · v de autre cas semblable ke apent especialment² a la corone.

¶ Deriches si un home seit veuche³ a garant de play de terre en eire de Justices ne seit my⁴ amercie pur defaute si del primer jur nun de venue de Justices.⁵ Mes si le garant seit adunkes en memes le cuntes⁶ dunkes seit comande⁶ al vescuente ke il le face venir al terz Jur · v al quart solum co ke il est loinz v pres · si cum custume est en eire de Justices. E si il seit⁷ manant en un autre cunte · dunkes eit renable somonse de quinzain solum la commune ley.

¶ Si clerc seit rette de mort de humme · v de robberye · v de larcin · v de autre crime ke apent a la corone · e pus seit liuere en bayl · par le comandement le rey a dusze prudes homes ke il le eient par deuant Justices a un tel · Jur⁸ v ke il seit lesse par plegges sans le comandement le rey si les deuant dit dusze v les avant dit plegges eient sun cors al primer Jur auant par deuant Justices · ne seient pas desoremez amerciez · tut ne voile pas⁹ le clerc respondre ne adventure⁹ ester en la cur le rey de sicum il ne furent de autre plegges¹⁰ ne mein par iurs,¹¹ for de auer le clerc auant a tel Jor.¹²

¶ Item propter fraudem que passim fieri consuevit¹² prouisum est ne breue quod dicitur de ingressu a[r]ctari debeat de cetero ad gradus · set locum habeat contra omnes ad quos res deforciata peruenerit. Ita tamen quod accio illa tempus debitum et consuetum non excedat.

¶ Forma breuis in hoc casu talis esse competenter poterit.

¶ Rex vicecomiti salutem · Precipe tali quod iuste et sine dilacione reddat tali · N · manerium de Stok' cum pertinenciis · quod idem talis uel pater eius · N · cuius heres ipse [est] dimisit tali ad terminum qui preteriit · et quod per formam dicte dimissionis ad ipsum talem post terminum predictum reuerti debet ut dicit · addi (*sic*) post hec clausula Et quod idem talis ei defecit (*sic*) ut dicit.

¶ Determinato de morte antecessorum que contra custodes conceditur, simili modo contra omnes qui per ipsum custodem magistrum habentes conceditur ; nec obesse debet, si ibi breue de ingressu habere possit ; Quia ubi plures acciones in eodem casu competunt nullam ipsarum alteram tollit. Verumptamen diuerse simul et semel institui non possunt · Hec est lex antiqua.

¹ plaie C. ² ke apende especialment C. ³ Derichef si nul seit voche C.
⁴ ne seit deshoremes C. ⁵ ne seit deshoremes amercie pur ceo ke il ne est present, de si ke nul franc home ne deit estre amercie pur defalte si del premer jor nun a la venue de justices C. ⁶ dunkes seit ceo al vescuente C. ⁷ est C. ⁸ tut ne voile C. ⁹ ne a dreit ester C. ¹⁰ de autre chose pleges. ¹¹ ou main pernant C, *the correct reading*. ¹² fors de auer le corz le clerc auant C.

PART II

VII

A SURREPTITIOUS CHARTER

This case from Essex illustrates the unscrupulousness of claimants for estates, and the conditions under which the Chancery had to work during the period of intense activity, and consequent confusion, in the autumn of 1265. The surreptitiously obtained charter of Richard de Tany is actually enrolled on the Charter Roll of 1265, but, contrary to the dating in the text below, it is recorded as granted on 24 October.¹ John le Faukener, 'eum qui concedit literas signatas et cartas et per cuius manus singule liberari debent,' seems to be the first recorded Clerk of the Hanaper.²

Curia Regis Roll 175, m. 15 d. and 15 a. (schedule).

Cum dominus Rex per cartam suam dederit dilecto etc. Roberto Essex' de Brywes terras et tenementa quae fuerunt Roberti de Sutton inimici domini Regis in Teyden' de Munt, qui quidem Robertus de Brywes per breve domini Regis seisinam inde habuit ac Ricardus de Tany Iunior occasione cuiusdam concessionis domini Regis prius sibi facte de terris et tenementis que fuerunt Ricardi de Tany senioris patris sui inimici domini Regis in eadem villa predictum Robertum de Brywes de predictis terris et tenementis que fuerunt predicti Roberti de Sutton' in eadem villa eiecit,³ precepit³ vicecomiti quod idem Ricardo Iuniori scire faceret ex parte ipsius domini Regis quod esset ad hunc diem, si sibi viderit expedire, ad ostendendum si quid ob stare debeat propter quod prefatus Robertus terras et tenementa predicta rehabere non debeat, et eidem Ricardo Iuniori ex parte Regis super gravem forisfacturam iniberet ne de predictis terris et tenementis vel eorum pertinentiis, seu etiam de bonis in eisdem inventis, vastum venditionem vel exilium aut distractionem aliquam interim faceret. Quod si facere vellet idem vicecomes non permetteret etc. Et Ricardus de Tany Iunior venit et dicit quod dominus Rex ipsum feoffavit de predicto manerio de

¹ Charter roll 53 (49 Henry III), m. 2. Curiously enough, it is not cancelled.

² See Giuseppi, *Guide to the Public Records*, i. 7-8. John's accounts, from the Pipe Roll, are in Foreign Accounts, Exchequer L.T.R., Hanaper.

³ The subject is *dominus rex*.

Teydon' et cartam suam ei inde fecit, quam profert et que hoc testatur; et est data carte illius de xxvi die Octobris anno L^{mo} per quam cartam et quid feoffamentum est ipse in seisina de predicto manerio; unde petit iudicium si debeat predicto Roberto inde respondere sine domino Rege.

Et Robertus venit et dicit quod qualemunque cartam predictus Ricardus proferat' dominus Rex dedit ipsi Roberto predictum manerium per cartam suam quam profert, et habuit breve domini Regis vicecomiti Essex' directum de seisina sua habenda; Ita quod per preceptum domini Regis et per ipsum vicecomitem positus fuit ipse in seisina de manerio illo et inde fuit in pacifica seisina quousque predictus Ricardus ipsum de predicto manerio eiecit. Et quando carta sua facta fuit' bene dicit quod predictus Ricardus nullam cartam de domino Rege inde habuit, nec aliquam seisinam de manerio illo' nisi post eiectionem quam ei fecit. Et quod ita sit paratus est verificare per predictum vicecomitem et alio modo sicut curia consideravit. Et visa est carta ipsius Roberti, et est data in eadem carta de .xxix. die Octobr' anno L^{mo}.

Et Ricardus petit iudicium desicut carta sua est de antiquiori data quam carta predicti Roberti, et habet seisinam suam de predicto manerio et seisina sua usus est per longum tempus, si debeat domino regi inde respondere. Et super hoc venit Robertus de Briwes et dixit quod nullum diem admittere voluit' quia videbatur ei quod nullum placitum inde fieri debuisset sicut de aliis placitis alibi' sed statim prosiluit ad dominum Regem et rogavit eum quod sicut mandavit per breve suum quod sive dictus Ricardus venisset vel non/ super premissis collationibus fieri faceret quod fuisset faciendum/ et desicut collatio sua quam dominus Rex ei fecit ita recens est/ et ita ad interpellationem maiorum de consilio, ut per dominum H. le Bigod, dominum R. de Leyburn', dominum W. de Merton et alios predicta collatio facta fuit per dominum Regem et in recompensationem alterius terre quam tunc tenuit quam concessit domino Roberto Waleraund ad instantiam ipsius domini Regis et predictorum magnatum, petit dominum Regem quod si placeret collationem illam ratam habere faceret/ sin autem/ restitueret ei priorem terram. Ita presens de die in diem coram domino Rege et consilio suo/ tandem dominus Rex precepit consilio suo ut audiretur. Unde dixit idem Robertus quod cum dominus Rex inter primas collationes suas apud Cantuar' contulit et manerium de

[On
Schedule¹
m. 15 a]

¹ In another hand.

Teyden' de Monte ad instantiam dictorum magnatum in recompensationem alterius terre quam dimisit ad opus predicti domini R. de Waleraund et inde fieri fecisset ei cartam suam et breue suum vicecomiti Essex' directum de seisinâ sua habenda et fuisset in seisinâ pacifica donec Ricardus de Tany Iunior eum inde eiecisset et idem Robertus statim venisset ad curiam et inde domino Regi conquestus fuisset et curie sue, per quod habuit breue vicecomes quod faceret dictum Ricardum venire in crastino Purificationis Beate Marie ad ostendendum si aliquid sciret propter quod dictus Robertus de Briwes non deberet habere seisinam suam/ dictus Ricardus venit et cartam protulit inique et falso obtentam et absque hoc quod dominus Rex ipsum unquam fieri precepisset Cancellario suo, nec ipsum unquam alicui fieri precepit nec inrotulari nec alicui liberari et absque hoc quod nullus clericus illam scripsit/ inrotulauit nec alicui liberauit per preceptum predicti Cancellarii et quod ita sit/ ponit se super cancellarium domini Regis et clericos suos et maxime eum qui concedit literas signatas et cartas et per cuius manus singule liberari debent.

Et Cancellarius super hoc requisitus si aliquid sciat de predicta carta et quando exiuit et e cuius precepto et quomodo res se habuit coram eo/ dicit quod nunquam preceptum domini Regis inde habuit ad aliquam cartam eidem Ricardo inde faciendam nec alicui de clericis suis scribere vel fieri precepit nec qualiter signata fuerit nec quomodo liberata ignorat tamen ante, quando multitudo militum¹ quibus dominus Rex dedit multas terras et ipse precepisset clericis suis quod ipsi facerent cartas singulis secundum tenorem rotuli Walteri de Helyon in quo continebantur donationes quas dominus Rex fecit singulis, proiecta fuerit carta illa inter alias ad sigillum ita quod deceptus et ignoranter sigillavit; quomodo autem idem Ricardus illam habuit/ nescit.

Et predictus Walterus de Helyon super hoc requisitus dicit quod nichil de dono predicto Ricardo facto de manerio predicto habet in rotulis suis/ nec aliquid unquam inde fecit.

Et Iohannes le ffaukener cui omnes litere patentes et carte assignate fuerunt ad liberandum per manum suam ut responderet domino regi de denariis earundem vel de perdonis super hoc requisitus si aliquid sciuit de predicta carta dicit quod inde numquam aliquid audiuit nec quando fieri debuit nec ad manus suas unquam deuenit nec ipse talem cartam predicto Ricardo nec alicui alii unquam liberauit/ Sed

¹ Sc. *fuit* or *fuisset* to balance *precepisset*.

reuera dominus Robertus de Brywes post Purificationem Beate Marie venit ad eum et dixit quod talis carta data fuit et ipse scrutatis rotulis suis admiratus quod talem cartam non inuenit/ perrexit ad Iohannem de Kirkeby habentem rotulos Cancellarii de cartis inrotulatis¹ et quaesivit ab eo quomodo dictus Ricardus cartam huiusmodi habuisset et dictus Iohannes ei respondit quod nichil inde sciuit. Dicit etiam quod postquam Robertus de Briwes habuit manerium predictum de dono regis venit ad ipsum predictus Ricardus et dixit Teydon pulcrum manerium esse et iacet iuxta manerium meum de Stapleford et bene sederet mihi et manerio illi rogabo dominum Regem quod det mihi manerium illud et dictus Iohannes respondit quod dominus Rex hoc facere non potest/ quia prius illud dedit domino Roberto de Briwes et dictus Ricardus respondit Certe nunquam illud habebit.

Et ideo prouisum est quod fiant litere vicecomiti Essex quod quia multum² tractatum sit coram domino Rege et consilio suo de carta predicti Ricardi quam protulit sub nomine domini Regis versus predictum Robertum de predicto manerio de 'Teydon' venire faciat predictum Ricardum coram domino Rege a die Pasche in xv dies etc. et ibi habeat predictam cartam suam et dominus Rex tam sibi quam alteri parti fieri faciet iustitiam sine ulteriore dilatione. Preceptum est etiam vicecomiti quod aliquo modo non permittat quod dictus Ricardus faciat vastum exilium destructionem vel venditionem de domibus boscis gardinis hominibus vel aliis rebus ali- quibus ita etc.³

¹ The senior clerk of the Chancery, and the forerunner of the *custos rotulorum*.

² *multum* interlineated.

³ Theydon Mount Manor was held by Robert de Brus and Beatrice his wife in 1239 (*C. Ch. R.*, i. 244). When Robert died in 4 Edw. I he was holding Wake-ring, but not Theydon (*Cal. Inq.*, ii. 119), which at any rate in 2 Edw. I was in the possession of Robert de Sutton (*ib.*, ii. 43). Richard de Tany when he died held Stapleford, but not Theydon (*ib.*, iii. 202). Sutton was possibly a tenant of Brus; ejected after Evesham, he evidently recovered his land later, perhaps by the *Dictum de Kenilworth*.

VIII

AN ACTION FOR RECOVERY UNDER THE WRIT *TALEM QUALEM*

The case below was heard in Hilary Term, 1268. The pleading took place *coram rege*, but judgment was given in the Council afforded by 'the other magnates of England for the greater part present' on Wednesday, 29 February (*die mercurii proxima post diem cinerum*). There are a number of interesting points. (1) The counter-pleading of the deforciants that the plaintiff Emma, before she married again, in virtue of a friendly agreement (*prelocutio*) made with them, surrendered to the king the lands which she held in chief, which lands the king thereupon granted to Gilbert de Clare, who then enfeoffed the deforciants with him. (2) Plaintiff's reply to this, upheld by the Council in its judgement, to the effect that such an agreement was invalid because made between the battles of Lewes and Evesham when the king 'had not power over himself or over his realm.' (3) Plaintiff's account of how the surrender came to be made; it was made because John Mansel, to whom the plaintiff Emma had leased the lands in question before the disturbance, had during the period of strife been ejected by the younger Simon de Montfort, and Emma wished to provide for the immediate safety of her lands. (4) The judgment of the Council.

Curia Regis Roll 182, m. 17.

Preceptum fuit vicecomiti quod cum per regem et magnates suos Surr' qui sunt de consilio suo concorditer sit prouisum quod omnes illi qui tempore guerre nuper habite in regno regi fideliter adheserunt talem seysinam habeant de terris et tenementis suis super ipsos occupatis qualem inde habuerunt in principio guerre predicte ac Willelmus de Appeltre feud et Auicia uxor eius Willelmo de Wilbureham et Emme uxori eius qui erga nos toto tempore turbacionis illius fideliter se habuerunt quasdam terras et tenementa sua in Shenesh¹ super eandem Emmam tempore turbacionis predicte occupata deforciat ut dominus Rex cepit¹ scire faceret eisdem Willelmo et Auicie quod

¹ In 1250 during Passelew's arrentation Emma Oliver (her first husband's name) and her sister were returned as holding the serjeanty of their father, John Belet, king's butler, in Schenes, part of which had been alienated: *Book of Fees*, ii. 1237. The land which had not been alienated had its serjeanty changed into knight service of half a fee (*Ibid.* 1257), held in chief, which is probably the holding in question here.

² For *accepit*.

essent coram rege ad hunc diem ostensuri si quod obstare debeat propter quod Willelmus de Wylbureham et Emma uxor eius de terris et tenementis predictis talem seysinam habere non debeant qualem ipsa Emma inde habuit in principio guerre predictæ. Et predicti Willelmus de Wilbureham et Emma uxor eius per attornatum ipsius Emme veniunt et petunt quod seysina sua eis de predictis terris et tenementis restituatur talis qualem seysinam predicta Emma inde habuit in principio guerre predictæ, vel quod predicti Willelmus de Appeltrefeud et Auicia uxor eius ostendunt si quod eis obstare debeat quare seysinam predictam rehabere non debeant.

Et predicti Willelmus de Appeltrefeud et Auicia uxor eius per attornatum ipsius Auicie veniunt et dicunt quod predicti Willelmus de Wilbureham et Emma uxor eius nullam seysinam de predictis terris et tenementis in Shenis rehabere debent nec ipsi easdem terras et tenementa tanquam occupata super eandem Emmam tempore turbacionis predictæ eis deforciant nec aliquam iniuriam eisdem Willelmo et Emme inde fecerunt. Quia dicunt quod tempore retroacto predicta Emma in sua viduetate et in sua legia potestate existente, ipsi Willelmus de Appeltrefeud et Auicia uxor eius et eadem Emma boni amici fuerunt et ita concordēs et unanimes fuerunt quod ipsa predictas terras et tenementa saluas vocauit in ipsis Willelmo de Appeltrefeud et Auicia uxore eius et per certam prelocutionem inter eos factam accessit cum amicis suis ad dominum Regem et ipsa Emma predictas terras et tenementa que de domino Rege tenuit in capite eidem Regi reddidit et de se et heredibus suis in perpetuum quietum clamauit. Postea dominus Rex easdem terras et tenementa dedit Gilberto de Clare Comiti Glouc' et Hertford' qui ex postfacto dictas terras et tenementa cum pertinenciis dedit ipsi Willelmo de Appeltrefeud et Auicie uxori eius et carta sua confirmauit/ Dicit similiter quod ratione predictæ prelocutionis et compositionis inter eos inite predicta Emma recepit de eis sexties (*sic*) viginti libras et preterea iidem Willelmus et Auicia concesserunt predictæ Emme decem libratas terre tenendas de eis ad terminum vite ipsius Emme quam terram scilicet in Hamilwrth in Com' Dors' ipsa Emma adhuc tenet. Unde dicit quod occasione turbacionis habite in regno predictas terras et tenementa super eandem Emmam non occupauit et desicut neuter ipsorum Willelmi et Auicie et Emme fuerunt participes cum aliquibus qui se de turbacione nuper habita in regno regis intromiserunt verum eciam tempore illius turbacionis fuerunt de unanimi assensu ponunt se super consideracionem curie

si predicti Willelmus et Emma uxor eius aliquam seisinam per istud breue rehabere debeant:

Et predicti Willelmus de Wilburham et Emma uxor eius veniunt et dicunt quod Simon filius Symonis de Monte forti quondam comitis Leicestrie predictas terras et tenementa occupauit et occupata tenuit eo quod eadem terre et tenementa tunc fuerunt in manu Iohannis le Mansel qui ea tenuit ad terminum ex dimissione eiusdem Emme et pro eo quod idem Iohannes fuit de fide et amicitia domini regis. Et dicunt quod idem Simon occupacionem illam fecit et tenuit priusquam ipsa Emma domino Regi predictas terras et tenementa reddidisse debuisset attamen ipsa Emma bene cognossit quod ipsa in presentia predictorum Willelmi de Appelterefud et Auicie uxoris eius accessit in turbacione illa tunc in regno existente ad dominum Regem et propter incidens periculum sue exheredacionis oriunde quod maxime dubitabat¹ ratione guerre tunc in regno existentis ipsa reddidit domino Regi quicquid habuit in dictis terris et tenementis supplicans eidem quod easdem terras et tenementa saluaret ad opus suum ne inde exheredaretur. Et utrum dominus Rex terras illas et tenementa dederat G. Comiti Glouc' seu idem comes expostfacto easdem terras et tenementa dederat predictis Willelmo et Auicie uxori eius hoc non ignorat et esto quod ita esset hoc in nullo debet ei obesse quia dicunt [quod] totum illud tempus inoportunum² fuit scilicet inter bellum factum apud Lewes et bellum factum apud Evesham. Et similiter dicunt quod qualemcunque donacionem et concessionem dominus Rex eo tempore fecerit G. Comiti Glouc' de predictis terris et tenementis et eciam idem comes qualemcunque donacionem et concessionem de eisdem terris et tenementis fecerit predictis Willelmo et Auicie uxori eius et similiter qualiacunque munimenta inde habeant/ omnia predicta in nullo debent eisdem Willelmo et Emme uxori eius obesse pro eo quod dominus Rex ad tunc fuit in custodia Simonis de Monte forti quondam comitis Leic' ita quod de se ipso nec de regno suo aliquam habuit potestatem nisi ad placitum ipsius Simonis et complicum suorum. Dominus Edwardus domini Regis primogenitus similiter captus fuit per predictum Simonem in priona detentus. Et dicunt similiter quod donaciones et concessionem et omnes carte scri[p]ta et obligaciones facte inter bellum de Lewes et bellum factum apud

¹ Evidently with the meaning of 'feared'.

² The plea of 'tempus inoportunum' is advanced by Isabella de Fortibus in an action *v.* Geoffrey de Fancourt in Trinity Term 1268, C. R. R. 185, m. 12.

Evesham' per dictum de Kenileworth cassantur et omnino irritantur¹ [et] petunt iudicium si per predictas donaciones et concessiones et per huiusmodi compositionem occasione turbacionis nuper habite et tempore inoportuno factas debeant excludi quominus talem seisinam de terris et tenementis predictis rehabere debeant qualem predicta Emma habuit in principio turbacionis predictæ. Et quoad hoc quod predicti Willelmus et Auicia uxor eius dicunt quod ipsa Emma recepit de eis sexties viginti libras/ pro dimissione et concessione quas ipsa fecisse debuisset de predictis terris [et] tenementis/ dicunt quod non tenentur eis ad illam exceptionem aliquo modo respondere quia dicunt quod predicti Willelmi [*sic*] et Auicia nichil inde habent nisi tantummodo simplicem vocem suam nec aliquod instrumentum inde ostendunt unde dicunt precise quod non tenentur eis ad hoc respondere nisi Curia Regis considerauerit quod hoc facere debeant. Et similiter quoad hoc quod prefati Willelmus et Auicia uxor eius dicunt quod ipsi Willelmus et Emma uxor eius adhuc sunt in seisina de decem libratis terre quam dictus Willelmus de Appeltre feud dimisit predictæ Emme tenendam de eodem Willelmo ad terminum vite sue ratione dimissionis et concessionis eisdem Willelmo et Auicie de bona et spontanea voluntate sua de predictis terris et tenementis faciendo, bene cognoscunt quod predictus Willelmus dimisit et concessit eidem Emme quandam terram tenendam de eo et heredibus suis ad terminum vite ipsius Emme reddendo eis annuatim tota vita ipsius Emme quinque marcas et unde dicunt quod nec ratione alicuius prelocutionis inter eos inite de predictis terris et tenementis nec ratione donacionis seu concessionis eis inde faciendo iidem Willelmus et Auicia dimiserunt eidem Emme predictum tenementum ad terminum vite quia dicunt quod hoc sufficienter liquere potest per quoddam scriptum quod eadem Emma inde profert sub nomine eiusdem Willelmi et quod hoc testatur. Et de hoc parati sunt facere quicquid Curia Regis considerauerit.

Et predicti Willelmus de Appeltre feud et Auicia uxor eius veniunt et bene cognoscunt quod predicta compositio et similiter prelocutio facta inter ipsos Willelmum et Auiciam uxorem eius et predictam Emmam de terris et tenementis predictis, et similiter donaciones et concessiones inde facte tam inter dominum Regem et ipsam

¹ It is interesting to note that in the judgement the Court went back beyond the clause of the *Dictum* here cited to the Windsor Ordinance of October 1265, which it cited as authority for the cancellation of contracts made between the battles of Lewes and Evesham.

Emmam quam inter predictum G. Com' Glouc' et ipsos Willelmum et Auiciam uxorem eius facte fuerunt inter bellum de Lewes et bellum de Evesham. Et bene dicunt quod illud tempus quantum ad predictam Emmam opportunum fuit, nec in aliquo debet eis obesse; Quia dicunt quod eo tempore scaccarium domini Regis fuit apertum, Iusticiarii domini Regis de Banco, vicecomites et ceteri ministri regis per totum regnum Anglie communiter¹ placita et omnia alia pacem regis contingentia fecerunt. Et similiter dicunt quod nulla discordia suborta fuit inter eos tempore quo ipsa Emma per predictam compositionem et prelocutionem predictas terras et tenementa dimisit ad opus ipsorum Willelmi et Auicie uxoris eius nec predicta Emma de aliquo se intromisit de turbacione nuper habita in regno, verum eciam dicunt quod ipsi adinuicem ita fuerunt boni amici et concordēs quod ipsa Emma de sua spontanea voluntate et sua propria ordinacione, et per predictas sexties viginti libras et decem libratas terre quas ipsa Emma de eis pre manibus recepit ut predictum est et quam terram ipsa Emma modo tenet/ predictas terras et tenementa in Shenes dimisit et concessit in forma predicta. Et desicut eadem Emma nullo metu inprisonamenti nec redemptionis set sua bona spontanea voluntate predictas donacionem et concessionem de terris et tenementis predictis fecit et in forma predicta ratificauit nec usquam contra easdem donacionem et concessionem in aliquo venit nisi modo quando istud breue impetrauit/ et desicut ipsa modo est in seysina de predicta pecunia et de decem libratīs terre ipsorum Willelmi et Auicie racione predictę compositionis inter eos inite ut predictum est et hoc parati sunt verificare prout curia considerauerit petunt Iudicium precise si predicti Willelmus et Emma uxor eius aliquam seysinam de predictis terris [et] tenementis per istud breue occupationis rehabere debeant. Et iidem Willelmus et Emma uxor eius dicunt sicut prius dixerant et petunt Iudicium Ad Iudisimiliter. Et quia ante Iudicium inde factum curia regis certiorari^{cium}. voluit utrum predicta Emma recepisset predictas sexties .xx. libras et similiter utrum predictam terram in Hamelesworth adhuc tenet et illam recepit racione predictę prelocutionis et dimissionis faciende de predictis terris et tenementis in Shenes. predicti Willelmus et Emma uxor eius requisiti fuerunt de rei veritate recognoscere super premissis. Et iidem Willelmus et Emma veniunt et bene cognoscunt

¹ So MS. One suspects this should be *communia*, in connexion with the Justices of the Bench. The Exchequer was certainly open; but if there were any records of the bench they have perished.

quod occasione dictarum prelocutionis et dimissionis recepit predictam terram in Hamelesworth. et similiter .xxx. libras. Tamen bene dicit quod hoc non fecerat nisi vi et metu ducta et hoc maxime propter occupationem quam predictus Simon de Monte forti fecerat de terris et tenementis suis predictis dubitando quod tam per ipsum Simonem quam per predictos Willelmum et Auiciam uxorem eius exheredaretur, et quod amplius ab eisdem in denariis non recuperavit parati sunt verificare prout curia consideraverit. Et similiter dicunt quod si curia consideraverit quod ipsi predictam pecuniam et terram ipsis Willelmo et Auicie reddere debeant/ parati sunt hoc facere secundum considerationem curie etc.

Et predicti Willelmus de Appeltrefeud et Auicia uxor eius requisiti qualiter ipsi vellent in curia verificare quod predicta Emma recepit de eis residuum predictæ pecunie scilicet quater viginti et decem libras pro concessione et prelocutione predicta eis sicut predictum est faciendis dicunt quod ipsi soluerunt coram Baronibus de Scaccario domini Regis apud Westmonasterium in presentia ipsius Emme et per preceptum suum quinquaginta libras Simoni de Monte forti Iuniori quas ipsa debuit Iohanni le Mansel pro manerio de Shenés et de hoc posuit se super recordum predictorum Baronum et super rotulos de Scaccario predicto. Et statim scrutati sunt rotuli de Scaccario¹ in quibus compertum est quod Simo de Monte forti Iunior recognovit coram Baronibus predictis se recepisse .L. libras de Emma Oliuer quas ipsa debuit Iohanni le Mansel pro manerio de Shenés et predicti Barones tunc presentes in curia bene dicunt quod solutio predictarum L. librarum facta fuit prefato Simoni per predictos Willelmum et Auiciam nomine ipsius Emme. Et iidem Willelmus et Auicia requisiti de residuo predictarum sexties viginti librarum scilicet de quadraginta libris nichil dicunt per quod curia regis certiorari possit quod ipsi amplius in denariis predictæ Emme soluerant ratione prelocutionis concessionis et dimissionis supradictæ faciende.

Postea die mercurii proxima post diem Cinerum recitata fuit loquela predicta coram domino rege et consilio suo ceterisque magnatis² Anglie pro maiori parte tunc ibi presentibus.

Et quia predicti Willelmus de Appeltrefeud et Auicia uxor eius in Curia Regis manifeste cognouerunt quod predicta prelocutio facta inter ipsos et predictam Emmam, et similiter predictæ donationes concessionés et feoffamenta facta tam inter dominum Regem et

¹ Two lines.

² For *magnatibus*.

supradictum Comitem Glouc' quam inter ipsum comitem et prefatos Willelmum et Auiciam uxorem eius de terris et tenementis predictis in Shenes facte fuerunt inter Bellum de Lewes et Bellum de Euesham quod tempus fuit continuus¹ tempore guerre; Et manifeste liquet per recordum domini Regis quod prefatus Simo de Monteforti iunior occupauit predicta terras et tenementa tempore turbacionis supradicte et ea tenuit occupata super Iohannem le Maunsel qui fuit de fide domini Regis et qui terras et tenementa predicta tenuit ad firmam de predicta Emma, Ita quod occasione illius occupationis terre et tenementa predicta ad manus ipsorum Willelmi et Auicie deuenerunt; Et quia per dominum Regem et commune consilium suum magnatum Anglie nuper apud Wyndesora concorditer fuit ordinatum [quod omnes] alienationes de terris et tenementis per venditionem uel alio modo facte et similiter omnes carte et munimenta facta tempore [guer]re predictae adnullarentur et pro nullis haberentur, et quod huiusmodi alienationes reuocarentur tanquam irritae tamen quod feoffatus per venditionem licitam recuperaret pecuniam suam quam apposuerat in emptione huiusmodi ante quam conquestus inde habeat seysinam suam; Et quia predictus Willelmus et Emma uxor eius cognouerunt [in curia domini]² Regis quod ipsa Emma recepit terras et tenementa predicta in Hamelesworth, et similiter triginta libras in denariis [de] predictis Willelmo Appeltreifeud et Auicia uxore eius; et etiam compertum est tam per recordum Baronum de Scaccario domini Regis [quam per] rotulos eiusdem scaccarii quod iidem Willelmus et Auicia uxor eius voluerunt pro predicta Emma Simoni de Monteforti iuniori L libras ratione predictarum prelocutionis concessionis et dimissionis terrarum et tenementorum predictorum in Shenes et ratificande; consideratum est quod predicti Willelmus de Wilbureham et Emma uxor eius satisfaciant predictis Willelmo et Auicie uxori eius de predictis quateruiginti libris argenti et rehabeant seysinam de predictis terris et tenementis in Hamelesworth priusquam ipsi Willelmus et Emma uxor eius seysinam suam rehabeant de terris et tenementis in Shenes. Et preceptum est vicecomiti Surr' quod permittat predictos Willelmum et Auiciam uxorem eius terram operari pro [volun]tate sua in terris et tenementis, predictis in Shenes et omnia explecia inde prouenientia percipere donec pre-

¹ Evidently a slip for *continuum tempus guerre*.

² The words in square brackets either occur on the very edge of the membrane or on that part of it which has worn away, and are supplied from the sense of the passage.

dicti Willelmus et Emma uxor eius ei satisfecerint de pecunia predicta Ita tamen quod iidem Willelmus et Auicia uxor eius interim in terris et tenementis predictis¹ vastum vendicionem aut exilium. Et similiter inhibitum est predictis Willelmo et Emme uxori eius quod nullam faciant vastum vendicionem aut exilium in terris et tenementis predictis in Hamelesworth.

Postea in Octabis sancti Iohannis Baptiste anno supradicto venerunt predicti Willelmus de Wilburham et Emma uxor eius per attornatum ipsius Emme et predictus Willelmus de Appeltreud presens est et iidem Willelmus et Emma uxor eius optulerunt se de solucione supradictarum quaterviginti librarum plenarie facienda. Et quia dictus Willelmus de Appe[1]treud cognouit se plenarie recepisse predictam [pecuniam] Ideo prefati Willelmus et Emma uxor eius habeant seisinam suam de terris et tenementis in Shenesh. Et predictus Willelmus de Appeltreud rehabeat predicta terras et tenementa in Hammelesworth.

IX

THE CASE OF ROBERT DE FERRERS

The case is made to him on an interesting administrative point. Can a man be termed a prisoner who acknowledges a deed before the Chancellor? The judgment of the court was that he could not; that the *recognitor* is technically *in cancellaria domini Regis*, even though the chancellor is *remotus a curia*.

Coram Rege Roll II, m. 6.

Staff' Preceptum fuit vicecomiti quod cum Henricus Rex pater domini regis nunc occasione transgressionum impositarum Roberto de Ferariis tempore turbacionis habite in regno predicti H. regis dederit Edmundo filio suo omnes terras et tenementa et castra ipsius Roberti in comitatibus Staff' Derby' Leyce' et Lanc' excepto castro et manerio de Certeley in comitatu Staff' et villa de Holebroke in comitatu Derby' et idem Robertus semper paratus fuit et adhuc existat stare[dicto de Kenyllewrth' et terras illas tenementa et castra redimere secundum formam eiusdem dicti' prefatus Edmundus terras illas tenementa et castra prefato Roberto detinet

¹ sc. *non faciant*.

contra formam dicti supradicti minus iuste; Et quod licet iter iusticiariorum ad placita de terris datis occasione turbacionis predictae audienda et terminanda assignatorum quibusdam certis de causis suspensum fuerit ad tempus, nec per hoc debeat executio eiusdem dicti in ipsius Roberti uel alicuius preiudicium prorogari scire faceret predicto Edmundo quod esset hic ostensurus si quid ob stare debeat propter quod predictus Robertus terras tenementa et castra predicta secundum formam dicti predicti redimere et re habere non debeat. Et unde predictus Robertus queritur quod cum sepius obtulerit predicto Edmundo ad redimendum terras suas ad valorem earundem per septennium, predictus Edmundus dedit reddere ei predictas terras per predictam redemptionem.

Et Edmundus venit et dicit quod non debet ei ad hoc breue respondere, nec tenetur eidem Roberto terras suas reddere per redemptionem quam offert; dicit enim quod dictum de Kenylwrth non potest ei prodesse eo quod idem Robertus postquam tenor illius dicti fuit prouisus et puplicatus, sponte et bona voluntate sua venit ad ipsum Edmundum et finem fecit cum ipso pro terris suis re habendis, et pro redemptione per quinquaginta mille libras soluendas eidem Edmundo in quindena sancti Iohannis Baptiste anno regni regis Henrici patris domini regis nunc quinquagesimo tercio. Et ad hanc solucionem predicto termino faciendam, inuenit manucaptos scilicet Henricum filium Regis Romanorum · Willelmum de Valencia comitem Pembr' · Iohannem de Warann' comitem Surr' · Willelmum de Bello Campo comitem Warr' · Rogerum de Somery · Thomam de Clare · Robertum Waleraund · Rogerum de Clifford · Hamonem Extraneum · Bartholomeum de Sutley et Robertum de Brywes qui manuceperunt reddendum predicto Edmundo predictam summam pecunie ad predictum terminum. Et quia idem Robertus voluit prouidere indemnitati predictorum manucaptorum, ipse tradidit eisdem manucaptoribus omnes terras et tenementa sua tenenda usque ad predictum terminum sub tali forma quod si predictam pecuniam ei soluisset ad predictum terminum, ex tunc iidem manucaptos redderent predicto Roberto predictas terras et tenementa. Et si predictam summam pecunie ei ad predictum terminum non reddidisset, uel alio modo ei satisfacisset, ex tunc liceret eisdem manucaptoribus reddere predictas terras ipsi Edmundo tenendas quousque eidem Edmundo uel heredibus suis totam predictam pecuniam simul et semel persoluisset, et dicit quod quia predictus Robertus non soluit ei predictam pecuniam ad pre-

dictum terminum nec alio modo ei inde satisfecit: predicti manucaptores ad ipsorum deliberacionem et secundum formam quam idem Robertus obligavit se reddiderunt ipsi Edmundo omnes predictas terras et tenementa tenenda sibi et heredibus suis quousque idem Robertus uel heredes sui predictam summam pecunie videlicet quinquaginta mille libras simul et semel persoluissent, fructibus et exitibus earundem terrarum interim perceptis, non computatis. Unde desicut predictus Robertus postquam dictum de Kenylwrth fuit per magnates ad predictum dictum dicendum concorditer prouisum et pupplicatum fecit cum eo predictum finem quinquaginta milium librarum et soluendarum ad terminum predictum ut predictum est, et inuenit ei predictos manucaptores qui predictam pecuniam pro ipso manuceperunt soluendam et quibus idem Robertus tradidit omnes terras suas tenendas et ipsi Edmundo reddendas si predictam summam pecunie ad predictum terminum non soluisset: ac ipse habuit ingressum in easdem terras per predictos manucaptores qui occasione predictæ pecunie ei non solute: tradiderunt ei omnes predictas terras et tenementa tenenda ipsi Edmundo et heredibus suis quousque idem Robertus uel heredes sui eis predictam summam pecunie simul et semel reddiderint ut predictum est: petit iudicium si predictus Robertus modo possit ad dictum de Kenyllewrth recuperare et profert scriptum predicti Roberti qui predictam obligacionem testatur in hec uerba.

Omnibus ad quos presens scriptum peruenerit Robertus de Ferariis comes Derb' salutem in domino. Cum dominus Henricus filius Regis Romanorum. Willelmus de Valencia comes Penbrok'. Iohannes de Warenne comes Surr' · Willelmus de Bello Campo comes Warr'. Rogerus de Somery · Thomas de Clare · Robertus Waleraund. Rogerus de Clifford'. Hamo Extraneus. Bartholomeus de Suhtley et Robertus de Briwes milites ad Instanciam nostram obligauerunt se et heredes suos una cum omnibus terris et tenementis suis domino Edmundo filio Regis Anglie et pro nobis manuceperunt de soluendo eidem domino Edmundo uel heredibus seu assignatis suis quinquaginta milia librarum sterlingorum pro redemptione nostra terrarum nostrarum in quindena beati Iohannis Baptiste proximo venturi anno regni Regis Henrici filii Regis Iohannis quinquagesimo tercio attendentes quod predictorum manucaptorum nostrorum indempnitati ad presens sufficienter prouidere non possimus: nisi per tradicionem omnium terrarum et tenementorum nostrorum que dominus Rex et dominus Edmundus predicti in nostra liberacione a prisona

nobis tradiderunt/ volentes eorum securitati in hac parte prospicere et eos indempnes in omnibus observare.' omnes terras et tenementa nostra cum suis pertinentiis predictis manucaptoribus nostris tradidimus et commisimus habenda et tenenda sibi et heredibus suis uel suis assignatis quousque dicto domino Edmundo et heredibus suis de predicta summa quinquaginta milium librarum plenarie fuerit satisfactum ; volentes et concedentes pro nobis et heredibus nostris quod si infra predictum terminum dicto domino Edmundo predictam summam pecunie non soluerimus uel aliter eidem non satisfecerimus.' ex tunc liceat eisdem manucaptoribus nostris omnes terras et tenementa predicta predicto domino Edmundo uel eius heredibus tradere uel assignare habenda et tenenda cum suis pertinentiis eidem domino Edmundo et heredibus uel assignatis suis, libere quiete quousque predictam summam quinquaginta milium librarum dicto domino Edmundo uel heredibus suis totum simul et semel persoluerimus. Volumus eciam et concedimus pro nobis et heredibus nostris quod predicti manucaptore nostris ingrediantur omnes terras et omnia tenementa nostra que ipsa [Margareta] tenet in dotem de terris et tenementis predictis que fuerunt Willelmi de Ferariis quondam comitis Derb' patris nostri et ea habeant et teneant una cum aliis terris et tenementis predictis in forma suprascripta. Volumus eciam insuper et concedimus quod predicti manucaptore uel prefatus Edmundus uel ipsius heredes seu assignati sui habeant et teneant omnes terras et tenementa predicta et eciam ea que prefata Margareta tenet in dotem post decessum eiusdem una cum feodis militum, aduocationibus ecclesiarum eschaetis et omnibus aliis ad omnes terras et tenementa quocunque iure spectantibus quousque prefatis manucaptoribus seu prefato domino Edmundo seu ipsius heredibus uel assignatis de predicta pecunie summa totum simul et semel persoluerimus, uel aliter inde fecerimus Ita quod fructus seu exitus predictarum terrarum et tenementorum a dicto domino Edmundo uel heredibus suis medio tempore percepti minime computentur. In cuius rei testimonium presenti scripto sigillum nostrum apposuimus. Hiis testibus : Iohanne de la Lynde. Ricardo Fukeran. Iohannes de Mucegros. Stephano de Eddewrth. Wogone de Cnouill. Bartholomeo le Peyteuyn. Iohanne Russel de Penston' et aliis.

Et Robertus dicit quod predictum scriptum non debet ei nocere ; quia dicit quod reuera ipse apposuit sigillum suum predicto scripto apud Cyppeham die apostolorum Philippi et Iacoby anno regni

regis Henrici quinquagesimo tercio. Sed dicit quod eo tempore fuit ipse in prisa et in tali statu quod scriptum suum quod tunc fecit non debet ei preiudicare. Dicit enim quod ipse ante confectionem predicti scripti fuit in prisa predicta Henrici regis apud Wyndesoram, et de prisa illa exiuit per bonam manucaptionem tanquam prisionus et ductus fuit apud Cippeham ubi predicto die apostolorum Philippi et Iacobi delatum fuit coram eo predictum scriptum, et dictum fuit ei quod sigillum suum scripto illi apponeret qui prisionus et in custodia existens timens periculum corporis sui si voluntati eorum in quorum custodia tunc extitit [non cederet], sigillum suum predicto scripto apposuit. Et postmodo sub custodia in quodam carro per homines armatos tam in karro quam extra existentes reductus fuit ad castrum de Walingeford ubi morabatur in prisa per tres septimanas quousque dominus Edwardus qui modo est Rex eum de prisa illa deliberauit. Et petit iudicium si aliquid factum quod fecit in prisa ei debeat preiudicare. Et quod ipse ante confectionem predicti scripti fuit in prisa predicti Henrici regis apud Windesoram et de prisa ductus fuit quasi prisionus apud Cyppeham, ubi in custodia existens et quasi prisionus custoditus apposuit sigillum predicto scripto timore prisone/ offert uerificare per patriam uel sicut curia considerauerit.

Et Edmundus dicit quod non debet ei valere exceptio prisone contra predictum scriptum quia dicit quod ipse Robertus post confectionem predicti scripti venit coram magistro I. de Chishull' qui tunc fuit cancellarius Henrici regis et qui recordum habuit quamdiu fuit cancellarius predicti regis et cognouit confectionem dicti scripti et scriptum illud inrotulari fecit in rotulo Cancellarii predicti Regis de uerbo ad uerbum, unde desicut non potest dici quod facta que fiunt coram rege uel eius cancellario qui personam regis representat uel alibi in curia regis coram ministris suis qui recordum habent' fiunt in prisa cum sic ibi unusquisque liber ad dicendum id quod ad exheredacionem suam uerti poterit' [petit iudicium] si predictus Robertus per exceptionem prisone possit vim predicti scripti adnichilare. Et si hoc non satisfaciatur' dicet aliud.

Et Robertus bene cognoscit quod reuera ipse coram prefato I. de Chishull' cognouit confectionem predicti scripti; sed dicit [quod] cognicio sua quam fecit coram prefato magistro Iohanne' non debet ei magis preiudicare quam preiudicaret ei predictum scriptum quod fecit in prisa. Dicit enim quod eodem die quo sigillauit predictum scriptum apud Cyppeham' dum fuit sub custodia tanquam prisionus

venit ad eum predictus magister Iohannes in quadam camera ubi iacuit sub stricta custodia quasi prisonus deferens coram eo predictum scriptum et quesivit ab eo si predictum scriptum fuit factum suum, qui timore prisone cognouit predictum scriptum esse scriptum suum; quesivit eciam ab eo si vellet quod scriptum illud inrotularetur in rotulo Cancellerie qui timore prisone ut euitaret periculum corporis sui concessit quicquid predictus Cancellarius ab eo quesivit. Et petit iudicium si cognicio sua facta in prisona debeat ei preiudicare, et quod ipse eo tempore fuit in prisona et in stricta custodia tanquam prisonus offert uerificare per patriam uel per testimonium predicti magistri Iohannis qui tunc fuit cancellarius si necesse fuerit. Et preterea dicit quod dominus Rex qui nunc est bene scit quod ipse ante confectionem predicti scripti fuit in prisona patris sui apud Wyndesoram et de prisona illa ductus apud Cyppeham ubi fecit predictum scriptum et predictam cognicionem, et de Cyppeham reductus fuit sub stricta custodia tanquam prisonus apud Wallingeford'. Et [quod] ibi in prisona fuit detentus per tres septimanas quousque [m. 6 d.] dominus Rex qui nunc est' ipsum deliberauit' ponit se super testimonium domini Regis et paratus est inde stare dicto domini regis ad lucrum et ad dampnum. Preterea per aliam rationem videtur ei quod predicta cognitio non habet vim recordi nec debet ei obesse quia dicit quod confessio illa non fuit facta in plena curia domini regis ubi confessio possit aliquem ligare, immo facta fuit coram prefato Cancellario qui remotus fuit a curia regis nec habuit rotulos Cancellarii nec clericum ad scribendum cognicionem suam' sed venit ad eum solus in camera sua ubi iacuit sub custodia tanquam prisonus non quasi cancellarius sed quasi priuata persona de populo unde non videtur ei quod confessio facta coram tali viro sic se habente et in tali loco remoto a curia' possit eum ligare.

Et Edmundus dicit quod non habet necesse ponendi se in aliquam patriam nec in veredictum seu testimonium Cancellarii, vel in dictum domini Regis de statu in quo predictus Robertus fuit quando fecit predictam cognicionem. Immo desicut predictus Robertus non potest dedicere quin fecit predictam cognicionem coram prefato magistro Iohanne qui tunc fuit Cancellarius Regis vel aliquo alio ministro Regis qui recordum habet in Officio suo et eciam ea que cognoscuntur et ad perpetuam rei memoriam in rotulis domini Regis inseruntur' per patriam vel aliud testimonium irritari non debent' precise petit iudicium' si cognicio predicti Roberti non sufficiat ei ad repellendum ipsum ab actione. Et quia predictus Robertus satis

cognouit quod alias coram magistro I. de Chyshall' qui fuit Cancellarius Henrici regis cognouit predictum scriptum quod predictus Edmundus protulit ad repellendum ipsum Robertum ab actione sua; et eciam quia quesiti sunt rotuli de cancelleria de tempore quo predictus magister fuit Cancellarius Henrici Regis in quibus inuenitur quod predictus Robertus cognouit tenorem predicti scripti de verbo ad uerbum sicut superius ex altera parte istius rotuli recitatur; nec predictus Robertus aliquid sciat ostendere uel curia domini Regis uerificare per quod per predictam cognicionem sic factam precludi debeat ab actione petendi terras suas secundum dictum de Kenilworth redimendas nisi tantummodo quod offert uerificare per patriam uel per testimonium predicti magistri Iohannis qui tunc fuit Cancellarius Henrici regis uel per recordum seu testimonium domini Regis qui nunc est quod eo tempore quod fecit predictam cognicionem fuit in prisa; nec potest per testimonium domini Regis aliquid habere remedium maxime cum dominus Rex super hoc requisitus' noluit super hoc aliquid facere recordum pro eo quod non fuit recordatum coram eo quod predictus Edmundus frater suus posuit se super dictum suum; nec eciam videbatur ei quod habuit recordum de hiis que facta fuerunt in curia Henrici regis patris sui, nec fuit visum curie quod per testimonium Cancellarii potuit eneruare predictam cognicionem maxime cumpre dicta cognicio inuenta sit in rotulo predicti Cancellarii, nec idem Cancellarius ex quo functus fuit officio suo et rotulos suos reddidit domino regi habet potestatem aliquid augere diminuere vel mutare de hiis que in rotulis suis inueniuntur, maxime cum sit extra officium suum positus et rotuli sui modo sint in alterius custodia quam in sua et eciam cum contra huiusmodi cognicionem factam in curia regis coram ministro regis recordum habente/ non iacet inquisicio patrie ad uerificandum contrarium consideratum est quod predictus Edmundus eat sine die/ et Robertus in misericordia pro falso clamore etc.

X

PRESENTMENTS BY THE JURY OF CAMBRIDGE BEFORE WILLIAM DE ST. OMER AND HIS COLLEAGUES, 1269.

Assize Roll 83, m. 23 and dorso, 24 and dorso.

The pleas of Cambridge were apparently taken at two sittings: at the end of January or beginning of February, and on St. Barnabas' day (11 June) 1269. Of the two membranes, m. 23 records in the margin adjournments to the Sunday *ante mediam quadragesimam*, while m. 24, written in a different—a smaller and darker—writing, expressly gives the later date. The first part of the Cambridge roll is given up to pleas of trespass and cases under the *Dictum de Kenilworth* heard between the beginning of January¹ and the middle of May,² probably mainly at Barnwell.³ The second part of the roll, beginning at m. 13, contains the presentments in specific answer to the chapters put by the justices to the hundreds. Though the pleas and the presentments may have been running concurrently, they were enrolled separately, and probably kept apart in the original roll of the Justices just as they are in the file of membranes as it exists to-day.

The passages between daggers are in the smaller hand.

Villa de Cantebrigia.

	¶Iuratores presentant quod Hugo Tronch le cordi- waner et Mabilia uxor eius fuerunt in Insula de Ely contra regem et habent unum mesuagium in villa de Cantebrigia quod valet per annum .iij. s. et non datum est per dominum regem. Ideo preceptum [est] vicecomiti quod capiat mesuagium illud in manum domini regis et quod faciat venire eos hic apud Cantebrigiam. Ad diem illum non venit. Et maior et communitas testantur quod non rediit ad huc ad pacem postquam fuit in insula. Ideo pre- dictum mesuagium traditur predictis maiori et com- munitati. Et ipsi respondeant de redemptione domino Regi per quinque annos scilicet per .xv. s.
eras	
Redemptio lx s. ⁴	
xv s.	¶Presentant eciam quod Dionisius clericus • fuit in

¹ Membranes 2, 2 d, 4. 'de vigilia Epiphanie domini'.

² m. 15.

³ Membranes 6-8 and probably, though the place is not specifically mentioned, 8-12.

⁴ lx is partly erased.

	Insula de Ely et inimicis domini regis victualia vendidit et roberiis ipsorum emit et habet quoddam mesuagium quod valet per annum xxs. et nondum datum est per dominum regem. Ideo preceptum est vicecomiti quod capiat predictum mesuagium in manum domini regis et quod faciat eum venire apud
eras	Cantebrigiam. †Postea perdonatum est ad instanciam
die dominica proxima ante mediam quadragesimam ¹	Salomonis de Roffa clerici.†
	¶Presentant eciam quod Robertus de Londonia Pistor qui habet unum mesuagium quod valet per annum iiij ^{or} s. vi d. Radulfus Beaupayn qui habet unum mesuagium quod valet per annum xld. Iohannis (<i>sic</i>) Warin Piscator qui nullam terram habet set catalla
xvi s. iiij d.	ad valenciam dimidie marce. Et Radulfus filius Iohannis le Rus qui nichil habet set receptus fuit ad domum Iohannis le Rus patris sui qui nichil habet et
Len .	predictus Radulfus manet apud Len. cum Bernardo le Estriz. duxerunt victualia usque in Insulam ad inimicos domini regis et ea eis vendiderunt et de roberiis suis emerunt. Ideo preceptum est vicecomiti quod capiat predicta mesuagia et catalla eorum in
eras	manum domini regis et quod eos venire faciat cras. Robertus redemit ad .v. annos. †Radulfus redemit ad v annos. De maiore Cantabrigie de Catallis Iohannis
xl d.	Warin xl. d.†
Flemdich'	¶Presentant eciam quod Stephanus le lung de Flumburn ² qui habet terram in ffulburn in hundredo de Flemedich' ³ ibi inquiratur de valore . Willelmus filius Aungeri qui habet unum mesuagium quod valet per
.vii. s. . vi d.	annum xvij d. Iohannes de Froskelake qui nichil habet et Iohannes Bon Iohan qui nichil habet . et adhuc manent in villa . et Hugo Tronch qui supra nominatur Henricus Bateman qui nichil [habet] in villa et adhuc receptus est ad domum Iohannis Warin . Iohannes filius Willelmi Motte qui habet quoddam curtilagium quod valet per annum vi den. Iohannes

¹ Opposite this marginal there is a blank space in the roll.² Fulbourn.³ Flendish.

.ii. s. .vi d. Suff ^r	de Granset qui habet bona et catalla apud Cornere in comitatu Suffolchie • Laurentius filius Thome Wade de Cestreton' ¹ qui nichil habet et receptus ad domum Constantyn le Mariner cuius catalla dimidia marca • Iohannes marcus qui nichil habet et receptus est ad domum Hamonis le Tayller qui habet unum mesuagium quod valet per annum .v. s. Petrus Giffar receptus ad domum Harvysie la channdelere • et habet
.x. s.	quandam domum que valet per annum .iiij. s. Thomas filius vicarii Sancti Edwardi cuius catalla 1 m. magister Adam de Ely le ken cuius catalla et terra in Ely • Willelmus filius Ade le Charpenter cuius catalla .ij. s. fuerunt in insula contra dominum regem et cum principalibus predonibus ad plures roberias faciendas. Ideo preceptum est vicecomiti quod capiat terras eorum et catalla in manum domini regis et quod
eras	venire faciat eos. †Willelmus filius Angeri ad .v. annos. Iohannes filius Willelmi mot ad v annos.
finis .xl. d.	Constantinus le mariner finem fecit per xl d. per plegium Henrici de Cotes. Hamo le Tayllur ad .ii. annos.
finis dimidia marca	Harvisia ad ii annos • Thomas filius vicarii dimidiam marcam per plegium Roberti de Maddingle.† ¶Presentant eciam quod Robertus Peche David de Uffinton et plures alii cum multitudine armatorum die Iouis proxima ante festum sancti Laurentii anno L depredati fuerunt Iudaismum et Iudeos occiderunt, et omnia bona eorum usque in insulam secum duxerunt. Ita quod nichil inde in predicta villa receptum fuit de predicta rubberia †Postea predictus Hamo le Tayllur [venit] et replegiavit mesuagium suum per plegium Henrici de Waddon et Walteri de Pappeworth et habet diem a die Pasche in tres septimanas perdonatus ad instanciam Willelmi de la Zuche.† ¶Presentant eciam quod Iohannes Walkelyn de Cowoy depredauit ecclesiam sancti Petri extra Trimbeton ²
a die Pasche in tres septi- manas	

¹ Chesterton.

² This is probably Trumpington, though the nearest approach to such a form is Trumpeton; W. Farrer, *Feudal Cambridgeshire*, 222. See the forms given *ibid.* 219-23 and Index, p. 345, *ad loc.* There is a probability that it might be Terrington, which Dr. Farrer gives (p. 280 and Index) as the equivalent of Trinton.

- die Iouis
Norff'
Suff'
- de .lx. ulnis precii .vi. m. quorum unus fuit de blueto et alius de russeto et de uno lecto precii .c. sol. qui fuerunt Sabine que fuit uxor Petri de Walburham. Ideo preceptum est vicecomiti quod venire faciat predictum Iohannem die Iouis †Et predictus Iohannes redemptus est.†
- ¶Presentant eciam quod Robertus de Sancto Claro qui habet beneficium in comitatu Norffolchie vel Suffolchie ut dicitur una cum aliis plures fecit roberias.
- ¶Presentant eciam quod Robertus de Maddinglegh¹ emit de Thoma filio vicarii sancti Edwardi pelles multonum quas idem Thomas portavit extra Insulam de roberiis. Ideo preceptum vicecomiti quod eum venire faciat †Postea perdonatur ad instanciam Iohannis Fr . . den.†
- ¶Presentant quod Simon de Monte forti comes Leycestrie habuit quoddam mesuagium in villata de Cantebrigia quod valet per annum .viij. s. quod Eustachius Dunnyng seysivit post bellum de Euesham . et illud dedit cuidam Germino filio suo qui modo illud tenet Ideo preceptum est vicecomiti quod capiat in manum domini regis et quod eum venire faciat hic. †Et quia illud mesuagium est escaeta domini Regis . Ideo traditur maiori et Balliuis ad respondendum singulis annis .ad scaccarium de .iij. s. Et testatum est quod Warinus de Bassingeburn recepit exitus a Bello de Euesham usque nunc. scilicet .vi. s. Ideo inde respondeat per manum Ade de Rugge.†
- ¶Presentant eciam quod Isabella uxor Hugonis le Spicer cuius catalla .xx. s et quoddam mesuagium quod valet .iiij. s accusavit vicinos suos versus ipsos de Insula .per quod amiserunt bona sua. Et quod ipsi de insula recepti fuerunt ad domum predicti Hugonis. Ideo preceptum est vicecomiti quod capiat predicta catalla in manum domini regis et quod venire faciat eum. †Postea predictus Hugo le Espicer finem fecit per .I. m.†
- ¶Presentant eciam quod [*case breaks off*]

Madingley.

die dominica
proxima ante
mediam
quadra-
gesimam

¶Presentant eciam quod Iohannes de Redeagraue Iuit cum ipsis de Insula quando ipsi venerunt ad villatam de Cantebrigia depredandam et cum ipsis villam illam depredauit et predones illos in domo sua recepit et de roberiis suis emit. Et habet quoddam mesuagium quod valet per annum .v. s. .iiij. d. et catalla que valent per annum .xl. s. Ideo preceptum est vicecomiti quod capiat predictum tenementum et catalla in manum domini regis et quod venire faciat. †Et Iohannes venit et redemptus est ad .v. annos. Postea finem fecit per .ij. m.†

eras

¶De emptoribus dicunt quod Robertus Barchs' qui obiit et de quo presentatum est in hundredo de Cestreton' quod fuit cum predonibus [et] emit corea de predonibus existentibus in Insula. Et habuit quoddam mesuagium quod valet per annum xix s. .viiij. d.

.xl. s.

[m. 23 d.¹]

Adhuc de villata de Cantebrigia per secundam Iuratam.

• Ely •

¶Iuratores presentant quod Alanus Beaupayn fuit in Insula Elyensi contra regem et manens est in villata de Ely et ibi habet catalla. Ideo ibi inquiratur.

Presentant eciam [*case breaks off*]

[m. 24]

Adhuc de veredicto Cantebrigie die Sancti Barnabe Apostoli.

Adhuc de presentationibus ville de Cantebrigia.

Suff'

¶Dicunt per sacramentum suum quod Iohannes de Grances[ter] qui manet apud sanctum Edmundum et habet uxorem ibidem et nascebatur apud Lanhill² in Suffolchia • Iohannes Mocte Aurifaber [qui] manet

¹ The name of the Justice is written at the head of the dorse: 'W. Omero, W. de Sancto Omero'. Except for an unfinished 'presentant eciam' this side of the membrane contains only one case.

² Possibly for Lawshall.

redemptio .ii. s. .vi. d. Hundredum de Chilford	apud Londoniam et habet unam peciam terre in villa Cantebrie que valet per annum vi d. ¹ Radulfus de Abingdon in Hundredo de Chilford fuit in Insula cum domino Iohanne de La Haye et habet terram in Habingdon in predicto Hundredo. Henricus Hoppecrane de Cantebria manet in prioratu de Cruce Roys ² ubi inquiratur de bonis ipsius et fuit in Insula.
Norstone	¶ Rogerus filius Henrici de Hones fuit in Insula et habet uxorem apud Histon in Hundredo de Norstone et stat in seruicio domini Philippi de Kolewyl. ³ ¶ Presentant eciam quod Simon Hamich et Willelmus de Frenge fuerunt in Insula sed non nouerunt personas ⁴ Ideo inquirendum est de illis.
Inquirendum est	¶ Presentant eciam quod Petrus Giffard fuit in Insula et stat in seruicio Rogeri filii Roberti.
Femedich'	¶ Presentant eciam quod Stephanus le Lung fuit in Insula et habuit terram apud Fulburne quam vendidit et inquirendum est cui et habet uxorem in villa Cantebrie manens (<i>sic</i>) in domo Alicie Seman ultra pontem. ¶ Presentant eciam quendam Willelmum filium Emme Stalle fuisse in Insula et modo dicunt quod non cognoscunt eum et similiter de Iohanne de Chillewo. ¶ Presentant eciam quod Robertus Hod fuit in Insula cum Rogero filio Roberti et inquirendum est de catallis ipsius et Willelmus Page similiter. ¶ Presentant quod Iohannes de Childerl' fuit in Insula et manet in prioratu de Bernewell'. ⁵
Essex'	¶ Presentant eciam quod Robertus Riuel fuit in Insula et habet terram in Chesterford in comitatu Essexie et manet apud Gernemue et est Eruginator ensium et depredauit patriam. ¶ Presentant eciam quod Ricardus le Koffrer de Londonia fuit in Insula cum domino R. Peche et stat in seruicio sacriste Sancti Edmundi apud Bekles.

¹ There is no verb; sc. (probably) 'were enemies of the king' or 'committed robbery'.

² Royston.

³ Colevill.

⁴ Presumably 'did not know the people there'.

⁵ Possibly Sir John (or his son) who held half a fee in Childerley (Hundred of Chesterton) of the Bishop of Lincoln, Farrer, p. 32.

¶Presentant eciam quod Henricus Faber habuit socium, scilicet Ricardum Marescallum de Rokesword qui fuit in Insula qui locauit quandam domum de magistro Roberto Auger pro xx. s. per plegiagium Domini .W. de Rokesword qui post recessum dicti .R. retinuit quoddam (*sic*) martellum pretii .vi. d. Ideo preceptum est vicecomiti attachiare predictum Henricum per catalla sua ad respondendum super plegiagium ville de Cantebrigia.

¶Presentant eciam quod Iohannes filius Hosberti de Bodekesham¹ aurifaber stetit in seruicio .N. aurifabri Cantebrigie per annos et iuit in Insulam et ibidem fecit moram cum Domino .R. Peche et depredauit patriam et inquirendum est si Osbertus pater eius receptauit eum.

Stoue

Norff'

Cant'

Inquirendum
est

¶Presentant eciam quod Radulfus le Rus filius Iohannis le Rus de Cantebrigia fuit in Insula et emit de Roberiis et stat in seruicio Bernardi le Estreys de Len et fuit receptatus ad domum patris sui ad pontem qui combustus fuit quam comodauit ipsi .R. et Iohanni de Redegraue ad marcandum Roberias quas fecerunt et quas receperunt de predonibus Insule scilicet, correa, salem, et plura alia et Iohannes qui receptauit filium suum habuit quoddam molen-
dinum equorum pretii .xv. s. per annum et unum mesuagium pretii .v. sol. et habent diem usque in crastinum ad inquirendum de redditibus et eciam plenius de aliis catallis.

Dicunt quod Iohannes le rus de Cantebrigia retinuit penes se .vij. s. de redemptione facta ipsis de Insula.

Inquiratur
Norff'

¶Dicunt eciam quod Iohannes filius Alexandri dod qui fuit in Insula predo receptus [est] apud Hunstanton ad domum Roberti devolf awunculi sui in comitatu Norffolchie.

Inquiratur
Hundredum
de Cestreton

¶Dicunt quod Robertus filius *² kokerel de Cestreton fuit in Insula de Eli principalis predo et receptatus est ad domum patris sui et inquirendum est in hundredo de Cestreton de catallis.

¹ Bottisham.

² The name is too blurred to be identified.

¶Presentant quod Vivws Iudeus de Hauerhill ac-
[c]usauit arcam Iudeorum Baronibus et fecit eis (*sic*)
s[*c*]ire de catallis Iudeorum ubi possent inueniri per
quem depredati fuerunt.

¶Presentant eciam quod Willelmus filius Angeri de
Cantebrigia Iuit cum domino Roberto Peche et aliis
de predonibus et Robbauit cum eis et habuit Roberiam
inuolutam in quodam capeto sed nesciunt quam nec
quantum valuit et ipsam tulit secum in Insulam et
habet duo mesuagia cum domo in villa Cantebrigie
que valet per annum .iij. s.

Norff'

¶Presentant eciam quod filius Alexandri dod de
Cesterton depredauit patriam et manet apud Hon-
stantoun in comitatu Norffolchie ubi inquiretur.

Stoue

¶Presentant quod Iohannes legat de Queye¹ habuit
duos urceolos de Ere de roberia Iudeorum pretii
.ii. sol. et mānet apud Queye¹ in Hundredo de
Stoue ibi (*sic*) inquirendum est de catallis suis.

Preceptum

¶Preceptum est vicecomiti quod venire faciat .xii. de
acremento ad inquirendum qui fuerunt illi qui vene-
runt ad Nundinas sancte Radegunde tempore turba-
cionis.

¶Presentant eciam quod Thomas Suan de Cantebrigia
receptus fuit ad domum patris sui Ricardi Suan.

¶Presentant eciam quod villa Cantebrigie fecit finem
pro ^ciii. marcis .ad redemptionem per fratres predica-
tores et minores de quibus soluerunt .c. marcas in
blado braseo et aliis et illa blada etc miserunt in
Insulam per Stephanum pistorem Cantebrigie.

¶Presentant eciam quod Radulfus de Kantebrigia
recepit Radulfum de Resseden utlagatum post In-
sulam captam qui cum Insularibus conuertebatur.
Item dicunt quod vendidit merces suas illis qui
fuerunt in Insula et habet catalla que valent .ii. s.

Stoue

¶Presentant eciam quod Robertus Bateman manens
apud Hupudere et Henricus filius suus ceperunt .xl.
marcas ad ducendum inimicos Regis in insulam et
similiter emit de Roberiis eorundem. Et recepti

¹ Quy.

Cantebrigia

fuerunt ad domum Iohannis Waryn in Cantebrigia. Item habent diem ad respondendum in crastino de emptoribus coreorum bouum et pellium omnium et aliis Roberiis venditis ad domum predicti I. per predictum R. et filium suum.

¶Item Iuratores conuicti sunt et confessi quod supradicti ministrantes eis in Insula in victualibus cum aliis venerunt apud Cantebrigiam et ibidem emerunt blada et alia necessaria ab eisdem de Cantebrigia et dicunt veraciter quod tota prouincia vendidit eis necessaria que duxerant apud Cantebrigiam.

¶Presentant eciam quod Radulfus Beupayn de Cantebrigia vendidit Osberto ferratori de eadem pelles quas duxit de Insula ad valenciam .xx. s. et habet quoddam mesuagium cum domo quod valet per annum .viij. s. iiij d. et habet catalla sua ad valenciam .c. s.

Presentant eciam quod Robertus de Lundres emit pelles de predonibus de Insula pretii .xv. den'.

Presentant quod idem Robertus de Londonia et socii sui vendiderunt Waltero pulmentario .iii. correa bouina, que valuerunt .vij. s. iiij d. et predictus Walterus habet catalla ad valenciam .ij. s. Et testatum [est] quod Dionisius clericus venditor dictorum coreorum nichil habet.

• • • • se

¶Presentant eciam quod Iohannes capellanus de Surreye filius Roberti Le Sergaunt venit cum Iohanne Walkelyn de Queye ad ecclesiam sancti Petri iuxta portam de Twippeton et in dicta ecclesia depredauit Sabinam que fuit uxor Petri de Wilbraham de sexaginta ulnis⁷ panni de Russeto et de .j. lecto cuiusdam militis quod ei traditus fuit in custodia pretii c s.

[m. 24 d.]

Adhuc de veredicto Cantebrigie die sancti Barnabe Apostoli.

Adhuc de villa de Cantebrigia.

¶Presentant eciam quod Dominus Warinus de Basingburne seysiuit in manum suam .vi. s. viij .d. pro quodam tenemento de redditu quod Eustacius Dunning tenuit de Simone de Monteforti in villis Cantebrigie et Gretton' et predictum Redditem recepit

Inquirendum
de tempore

dictus Warinus per manus Thome prepositi de Berton¹ de termino sancti Michaelis proximo post bellum de Euesham et semper postea.

Habent diem ¶Presentant eciam quod Ricardus Wombe solebat apud Hertford reddere Domino Symoni de Monteforti xx s. per ad inquirendum per cuius annum pro quodam tenemento quod de eo tenuit in manum redditum per cepit Grancester quem quidem redditum dominus Warinus et per quod de Bassingburne post bellum de Euesham seysiuit in tempus manum suam et redditum predictum cepit de termino sancti Michaelis proximo sequenti et semper postea de dicto . R . percepit.

Est in alia discena²

¶Presentant eciam quod Iohannes de Reddegraue recepit multa bona que depredata fuerunt et ea vendidit nomine predictorum predonum set que bona quibus vendita fuerunt nessiunt quibus nec quantum sed dicunt per sacramentum suum quod est in alia discena de quibus inquirendum est.

¶Presentant quod Robertus Hubert intrauit in Inlam (*sic*) de Ely et vendidit blada eis qui fuerunt in Insulam (*sic*) contra pacem domini Regis per duas vices spontanea voluntate semel et alias pro villa et ad ambas vices duxit bladum et illud vendidit ut supradictum est Et habet unum mesuagium et valet .xx. s. per annum et Redditum in villa Cantebrigie et valet per annum .v. marcas et catalla mobilia ad valenciam .vij. marcarum.

¶Presentant eciam quod Barones in primo adventu suo ante ingressum insule versus Cantebrigiam accesserunt obuiam eis burgenses eiusdem ville simul cum Iudeis et finem fecerunt de decem Libris pro villa et Iudei fecerunt finem pro se ipsis de x .l. que fuerunt solute Et fuit collector ville Iohannes le Rus scilicet de .x. libris.

Tota ducena in misericordia pro contemptu et conselamento quia refucaverunt taxare bona Roberti Hubert scilicet

Henricus de Cestre
Hugo de Bernewell
Stephanus de Scelford

et Simon Pistor
Ricardus Pede
Radulfus filius Radulfi

¹ Barton.

² i. e. *decenna*.

Hugo de Brune	Willelmus Elyot
Willelmus Godsone	Walterus Blaungermint
Gregorius filius Iohannis	Simon Mundi
Galfridus Faber	Hugo le Noreys.
Radulfus de Feuersham	

¶ Presentant eciam quod Iohannes Porthores ingrediebatur in Insulam cum dionisio clerico cum pannis et ipsos vendidit depredatoribus insule et ibidem per .ii. vices fuit vel per tres, et habet bona et catalla ad valenciam .iiij. marcarum. De Deonisio dicunt quod nichil habet.

¶ Presentant omnes hundredi comitatus Cantebrigie super hoc specialiter requisiti quod cum burghenses de Cantebrigia rettati essent quod Blada sua inimicis domini Regis de Insula vendidisse debebant contra prohibitionem domini Regis, quod vicini de prouincia veniebant ad forum ad blada sua vendenda ipsi inimici venerunt et blada sua emerunt et abduxerunt. Dicunt per sacramentum suum quod omnia blada que ibidem venerant de prouincia primo vi ceperunt et abduxerunt, ideo omnes de prouincia se subtraxerunt. Et si aliqua blada habuerunt hoc habuerunt de Burgensibus de villa.

¶ Ricardus Laurers • Herueus le Teinturner • Ricardus le Der • Herueius Gogging • Gerardus de ponte • Willelmus de Cotes • Iohannes de Bramton • Rogerus de Ely • Ricardus de Witewelle et Stephanus de Selford • isti fuerunt assessores redemptionis de Cantebrigia erga barones.

¶ Presentant quod Ricardus Iado ministrabat baronibus in Insula braseum et alia victualia et reduxit de Insula pelles bidentum (*sic*) ad domum suam in Bernewelle de Iordano preposito de Straham qui ipsum ibidem recepit. Et valent catalla predicti Ricardi .v. s.

Presentant quod Radulfus de Kingeston' eruit de predicto Ricardo xvij. pelles multonum et valuerunt .vi. s. et habet catalla ad valenciam dimidie marce et .ij. acras terre in campo de Bernewelle.

Inquiratur Presentant quod magister Ada [cocus de Eli cuius
 catalla in Eli et Iohannes Storke et Iohannes filius
 Ely Eius et Willelmus Keil de Eli. Iohannes filius capel-
 lani de Ely isti fuerunt principales predones Insule et
 manent in Insulam (*sic*).
 ¶Postea venerunt maior et tota communitas ville de
 Cantebrigia et finem fecerunt pro omnibus defaultis et
 x m. amerciamentis per .x. marcas et assignatur Iohanni
 Assignatur feor' per breue domini Regis. Et ideo preceptum est
 Iohanni Frere maiori et balliuis Cantebrigie quod eidem denarios
 illos habere faciant.

XI

SOME BUCKINGHAMSHIRE CASES ILLUS-
 TRATING THE REBELLION.

Assize Roll 59.

The Earl of Gloucester seeks the exemption of certain members of his staff from being penalized in the Eyre, on the ground that he had made his peace with the king, and had secured remission of indignation for all his retainers. His testimony as to their being in his service, together with the king's letters patent of pardon, is inserted for all members of the household for whom exemption is claimed, and enrolled on a separate membrane.

a. *Proof that John de Trayly and Geoffrey le Rus were in his service; the writ addressed to his tenants after Evesham.*

m. 8 ¶G. de Clare etc. Omnibus militibus libere tenentibus balliuis suis et aliis in com' Bukingham' Bedeford' Huntedon' salutem in domino. Amicitiam vestram cum effectu rogamus quatinus dilectis et fidelibus militibus nostris domino Iohanni de Tyly et Galfrido le Rus ad terras et tenementa Inimicorum nostrorum in manum nostram seysiandum consulentes sitis et auxiliantes. In cuius rei testimonium has presentes liberas sibi fieri fecimus patentes vobis omnibus et singulis ostendendas. Datum Wygorn' vj die Augusti anno regni Regis Henrici XL nopo.

b. *The Earl's letters of testimony for Thomas de Sancto Andrea.*¹

litere
 comitis
 Glouernie ¶Omnibus ad quos presentes litere peruenerint Gilebertus de Clare com' Gloucestr' et Herteford' salutem in domino. Cum post

¹ The lands of Thomas were granted to Maurice de Berkele, sen., in the autumn of 1265. Hunter, *Rotuli Selecti*, p. 248.

ultimum recessum nostrum de Wallia versus ciuitatem London' quibusdam de causis inter dominum Regem et nos materia dissensionis et discordie mota fuisset, et postmodum inter ipsum dominum Regem et nos pax inde inita sit et formata, ita quod omnis ira et omnis rancor remittuntur hinc inde, ac Thomas de Sancto Andrea dilectus valettus noster nobiscum extitit London' et alibi post ultimum recessum nostrum a partibus Wallie' vos rogamus quatinus eidem valetto nostro sue suis occasione motionis predictæ non inferatur dampnum uel grauamen nec ab aliquibus inferri permittatis nostris precibus et amore. In cuius rei testimonium has literas nostras sibi fieri fecimus patentes. Dat' apud Suthewerk xxviij die Iunii anno regni regis Henrici filii regis Iohannis Quinquagesimo primo. Valete.

A letter from Geoffrey de Lucy on behalf of Thomas de Sancto Andrea.

¶ Omnibus hominibus has literas visuris uel auditoris Galfridus de Luci salutem in domino. Cum dominus Edwardus illustris regis Anglie primogenitus tempore exitus mei a castro Gloucestrie ante conflictum Evesham mihi pepigisset quod ego et omnes mei qui mecum exire vellent a dicto castro de omnibus transgressionibus suis et meis perpetratis usque tunc in preterita turbacione liberi essemus et immunes et quod occasione ipsarum nichil a nobis exigi posset dummodo fideliter nos habuerimus domino Regi et parti sue, dilectus et fidelis noster Thomas de Sancto Andrea tempore predictorum pactorum in dicto castro mecum stetit et a dicto castro mecum exiuit comprehensus in dicto pacto. In cuius testimonium has literas meas fieri feci patentes. Valete.

The King's confirmation.

¶ Henricus dei gratia etc. Omnibus balliuis et fidelibus ad quos presentes litere peruenerint salutem. Sciatis quod remisimus Thome de Sancto andrea valetto dilecti et fidelis nostri Gileberti de Clare com' Glouc' et Herdf' omnem indignacionem et animi rancorem quos erga eundem Thomam conceperamus occasione dissensionis inter nos et predictum comitem habite post ultimum recessum eiusdem comitis a Wallia versus London' et eundem Thomam de assensu et voluntate magnatum regni nostri de omnibus per ipsum factis a tempore predicto occasione dissensionis illius penitus quietamus, saluis mercatoribus qui de guerra tempore pre-

dicto se non intromiserunt actionibus suis si quas versus predictum Thomam habuerunt ad bona sua tantum recuperanda secundum legem et consuetudinem regni nostri; Ita quod propter hoc per nos aut nostros non amercietur, occasionetur aliter vel grauetur, dum tamen predictus Thomas ad pacem nostram extiterit tempore recessus predicti et quod nobis aut aliquibus de fidelibus nostris de cetero dampnum non inferat neque inferri procuret. In cuius rei testimonium has literas nostras fieri fecimus patentes. Teste me ipso apud sanctum Paulum London' xxvij die Iunii anno regni nostri L¹°.

*The King's remission, upon testimony of Gilbert de Clare, for John de Trayly.*¹

m. 8 d. ¶ Henricus dei gratia etc. Omnibus balliuis et fidelibus suis ad quos presentes litere peruenerint salutem. Sciatis quod remisimus Iohanni de Trayly Bachelario dilecti et fidelis nostri com' Glouc' et Herford' omnem indignacionem et animi rancorem quos erga eundem Iohannem conceperamus occasione eorum que per ipsum facta fuerant occasione dissensionis inter nos et predictum comitem habite post ultimum recessum eiusdem comitis a Wallia versus Londoniam et eundem Iohannem de assensu et voluntate [*as in previous remission. Dated St. Paul, London, 29 June, 1267.*].

CRIMINAL PRESENTMENTS.

1. *No redemption, but a fine.*

m. 11 d. [At Aylesbury.]

¶ Hugo Gyronde presentatus per plures hundredi predicti comitatus super robberiis incendiis et aliis transgressionibus factis tempore turbacionis contra dominum Regem et fideles suos et predictus Hugo attachiatus pluries non venit per quod terra sua capta fuit in manum domini regis. Postea Hugo le Doestr' ex parte ipsius venit et petit gratiam domini regis ut finiret et finiuit pro transgressionibus ipsius Hugonis quinquaginta marcas; propter quod predicti Iusticiarii remiserunt eidem Hugoni omnem actionem et Inimicitiam quam fecerat tempore turbacionis predicte, et ipsum Hugonem ad pacem domini Regis admiserunt.

¹ John de Trayly figures in the returns of men holding fifteen librates of land who were not belted knights, 1256. Chancery Miscellanea 1/1, m. 19. 'Bucks. Iohannes de Trayly tenet Baroniam de domino Rege in capite.' Cf. m. 21: 'Iohannes de Trayly tenet xx libratas terre.'

2. *Resistance to redemption ordained by the King.*¹

m. 15. Hundred of Mursley.

¶Magister Iohannes Tripati dicit versus Iohannem de Esse quod dictus Iohannes fuit contra Regem in Insula de Ely, propter quod dominus Rex eidem magistro contulit redemptionem terrarum suarum ad quinquennium in forma dicti, et super hoc dominus Rex per breve suum direxit vicecomitem Buk' ad seisinam habendam et predictus Iohannes de Esse ipsum de seisina detinuit iniuste etc.

¶Dicit eciam versus ipsum quod fuit ad roberiam apud senlee ad domum magistri Willelmi de la Mare et quod fuit in insula bona voluntate sua egrediendo ad quandam consanguineam suam ad unum portum inter Cantebrugge et Ely, iniuste etc.

¶Predictus Iohannes de Esse venit et defendit contra pacem et Apud dicit quod fuit semper adherens parti regis. Unde² apparuit quod Neuport fuit in castro in Kenillworth incarceratus cum domino W. de Bechehampton et quando exiuit venit Gerardus de Insula et ipsum cepit et adduxit ipsum in insulam de Ely contra voluntatem suam et quod nunquam fuit contra regem petit quod inquiretur. xij iuratores Muresl' dicunt super sacramentum suum³

¶Duodecim Iuratores dicunt quod idem Iohannes de Esse iuit super unum equum ferrantum⁴ in insula de Ely et rediit in peiori statu quam iuit quia dictus Gerardus ipsum cepit contra voluntatem suam in villa de Suafham ut credunt in comitatu Cantebrigie et quia ignorant roberiam Rectoris ecclesie de Senlee ideo in respectum quousque inquiretur de iuratoribus de hundredo de Seggelawe. Postea⁵ venerunt apud Neuporpaynel couniti iuratores de Muresle, Seggelaue, et Rolaue

¶Iqui dicunt super sacramentum suum quod predictus Iohannes fuit in insula de Ely contra voluntatem suam tanquam priso et quod non fuit ad Roberiam predictam magistri Willelmi nec in alio loco malefaciens; et quia non est culpabilis de aliqua inimicitia contra dominum Regem consideratum est quod habeat terram Philippi (*sic*) in pace et quod recuperet dampna sua si quae sustinuit, et quod predictus magister Iohannes puniatur eodem modo sicuti Iohannes de Esse si convictus esset de Inimicitia sibi imposita.

¹ Headed 'Idem apud Eylesbur' in Crastino sancti Martini anno le quinto'. This case is an excellent example of the care taken by the Justices to find out, through adjournment and inquiry, the details of the alleged *inimicitia*.

² In another hand. The *respectus* sign is found thrice in the margin.

³ The sentence here breaks off; and the next paragraph, written apparently later, is in the hand of the first.

⁴ i. e. *ferrandum*.

⁵ The other hand continues the case to the end.

3. *Townships accused of taking the Earl's side.*

m. 11 d. Aylesbury.

Villate de Aylesbur' et de Dorton' et Walton' attachiate venerunt et Iusticiarii imponunt eis quod fuerunt contra dominum Regem tempore turbacionis in missione hominum suorum contra dominum Regem predicando et operando contra partem domini Regis iniuste et contra pacem. Dicte villate veniunt¹ et defendunt etc. et dicunt quod fideliter semper parti Regis ipsum et fideles suos recipiendo adhererunt et quod per quandam literam patentem domini Regis miserunt homines ad maritimum et habent litteram patentem domini Edwardi quod ipsi sunt de amicitia sua et fideles domini Regis.

m. 17. Wendover.

Wendouere

¶ Villata de Wendouere cum xij iuratoribus attachiata venit et Iusticiarii imponunt ei quod tempore turbacionis fuit contra dominum Regem auxilio consilio, fideles domini Regis depredando, adherens Iohanni filio Iohannis et parti sue iniuste etc. Predicta defendit etc et dicit quod cum Iohannes filius Iohannis habuit in manu sua villatam predictam, idem Iohannes et Ballivi sui ceperunt amerciamenta curie et placita et auxilia per vim et districtionem contra voluntatem quibus resistere non potuerunt [et] quod nulla parte exierunt ad roberiam faciendam etc petunt quod inquiratur. Iuratores de Aylesbur' et Stanes' dicunt super sacramentum suum quod non sunt² culpabilis de aliqua inimicitia. Ideo inde quieti.

4. *Robbery.*

m. 9. Hundred of Aylesbury.

Aylesbur' ¶ Eustachius de Greynvile attachiatus non venit per quod terra sua capta fuit in manum domini Regis et semper venire recusavit per cuius contemptum et defaultam Iusticiarii ex officio suo inquirunt de inimicitia ipsius Eustachii; magna duodena militum dicunt super sacramentum suum quod W. du Lay venit ad hospitium suum et contra voluntatem suam eum adduxit ad unam roberiam faciendam apud Stonistratford. Item dicunt quod iuit cum bona voluntate sua cum Ricardo de la vache et aliis depredando apud Eton' et ibidem depredavit manerium domini Iohannis de Grey.

¹ The *respectus* sign occurs in the margin, showing that the vills made two appearances.

² The scribe got somewhat confused between the men and the collectivity of the township.

Item dicunt quod fuit apud Wengrave et apud Ipinho cum aliquibus depredatoribus et ibidem depredavit Reginam et personam de Ipinho ad valorem .xxx. librarum iniuste et contra pacem.

m. 16 d. Hundred of Votesdone.

¶ Radulphus de Verney attachiatus venit et Iusticiarii imponunt ei Wottes- quod depredavit dominum Regem apud Pidinton de bobus vaccis don' et aliis iniuste et contra pacem etc. Predictus defendit quicquid ei Imponitur quod nunquam ibidem fuit et petit quod inquiratur. xij iuratores de hundredo de Wottesdon' dicunt quod Ricardus de la Vache venit ad domum ipsius Radulfi et ipsum cepit nudum et vi adduxit ipsum ad dictam Robberiam et quando horam vidit ad recedendum de ipsis/ ab eis recessit et ipsos reliquit et nihil maius fecit nec appropriavit etc. Et ideo consideratum est pro eo quod ibidem interfuit quod redimat terram in forma dicti ad unum annum. Terra extenditur ad xxvj s. i d. habet eciam terram in comitatu Oxonie.

Terre
ext' apud
Oxon'

m. 17. Hundred of Stoke.

¶ Quidam Salemon le Eure attachiatus venit et Iusticiarii Imponunt Stokes ei quod tempore turbacionis depredavit per patriam Ricardum de Oxehey. Willelmum le Keu. Thomam de la More magistrum Henricum de Witemersch et alios de blado et aliis bonis ad valenciam xl marcarum iniuste et contra pacem etc. Predictus defendit quicquid etc et dicit quod ad obsidionem de Stratford dictus Salemon per preceptum domini sui domini Edmundi filii domini Regis adiuit per patriam ad domos predictas et alibi et cepit blada et alia nutrimenta ad opus et mandatum domini Edmundi qui ipsum acquietat per literam suam patentem quam hic ostendit; et quod aliter non fecit petit quod inquiratur. xij iuratores Hundredi de Stokes dicunt quod tempore obsidionis predictae de Stratford venit dictus Salemon per ipsum dominum Edmundum per patriam et cepit ad opus suum blada et alia necessaria et non depredavit. Ideo quietus. ¶ Et predicti .xij.' quia presentarunt quod bona illa depredavit, ideo in misericordia.

m. 18. Hundred of Hikeshull (Tichesele).

¶ Iohannes Seuyn de Childen Henricus de Greynuill¹ de eadem ~~finis~~ Henricus Scoyburn de eadem et Ricardus Crok' attachiati venerunt. ~~Henrici~~ Et Iusticiarii imponunt eis quod fuerunt cum Willelmo de lay ad ~~xl s.~~

¹ Above 'Henricus de Greynuill' is written 'finituit .xl. s.'

robberiam Iohannis de Grey iniuste etc. Qui veniunt et defendunt quicquid est contra pacem. et dicunt quod Willelmus de Lay ipsos distrinxit/ quosdam ligavit quosdam verberavit/ ut secum adirent ad predictam robberiam sed quod contra voluntatem suam, et quod nichil inde participaverunt petunt quod inquiratur. xii Iuratores de Hundredo de Hikeshull' dicunt quod Willelmus de lay venit ad domum W. de Greynvill' patris ipsius Henrici et ei minabatur ad interficiendum nisi mitteret secum Henricum filium suum. Et ipse pro timore ipsum secum misit, sed nichil inde participavit. Item dicunt quod alii, Iohannes, Henricus Scoyburn. et Ricardus ibidem fuerunt sed contra voluntatem suam, et nichil inde participaverunt. Et quia convictum est quod ibidem fuerunt ideo etc. Et quia ingratis fuerunt, consideratum est quod redimat unusquisque ad unum annum.

5. *A baiiff of Earl Simon.*

m. 16. Hundred of Aylesbury.

Eylesbur' Willelmus de Stokkes attachiatus venit et Iusticiarii Imponunt ei quod fuit Ballivus et minister Com' Leic' patriam depredando apud Eselbur' et alibi iniuste etc. Predictus defendit quicquid est contra pacem etc et dicit quod per xv annos ante guerram fuit in servicio comitis et cum comite et tenet de feodo Leycestr'. et per preceptum comitis adiuit Eselburg' terram Ricardi de Seyton per literam eiusdem comitis, et leuavit ibi quendam redditum, sed quod nichil eiusdem appropriavit nec inimicitiam aliquam fecit petit quod inquiratur. Et quia cognovit ipsum fuisse Ballivum et ministrum Comitis ideo expectet iudicium etc.

6. *Castle Guard for the Earl.*

m. 18 d. Hundred of Hikeshull (Tichesele).

¶ Willelmus Baudewyn de Craundon attachiatus venit et Iusticiarii Imponunt quod Invenit .i. hominem in castro predicto¹ in munitione contra dominum Regem iniuste et contra pacem. Predictus venit et dicit quod tenuit de comite Leycestrie quicquid habuit per sergantium et districtus fuit per Ballivum ipsius comitis ad predictum hominem Inveniendum, sed quod contra voluntatem suam et per districtionem, petit quod Inquiratur. xii Iuratores de Hundredo de Hikeshull' dicunt quod ibidem in munitione habuit .i. hominem sed hoc fuit per districtionem et contra voluntatem suam quia

¹ Wallingford.

quicquid tenuit tenuit de dicto comite per sergantium. Et quia convictum est quod ibi misit servitium suum expectet iudicium suum etc. Et quia misit servitium suum contra regem consideratum [est] quod redimat terram ad unum annum.

7. *Reception of the King's Enemies.*

m. 19 d. Hundred of Hikesnull.

Abbas de Notelegh' attachiatus venit et Iusticiarii imponunt ei quod Hikesnull' tempore turbationis fuit recettator Inimicorum domini Regis scilicet comitis Leycestrie¹ et Ricardi de Hauering senescalli sui et aliorum qui ex parte sua erant iniuste et contra pacem. Predictus defendit quicquid est contra pacem et dicit quod tempore turbationis Abbas qui tunc fuit mortuus est, tamen respondere vult pro statu domus et dicit quod domus de Notelegh fundata fuit per marescallos Anglie et de ipsis tenetur. Et Comes Leycestrie desponsavit ipsam que heres fuit, quare cum comes ibidem venire voluit contradicere non potuerunt ipsum recipere ut dominum domus et scilicet senescallum dicti comitis, sed quod dictus Abbas nullam inimicitiam fecit domino regi nec parti sue petit quod inquiratur. xii Iuratores de hundredo de Hikesnull' dicunt quod comes Leycestrie ibidem fuit recettatus ut advocatus et superior domus scilicet et senescallus suus sed bene dicunt quod dictus abbas qui tunc fuit fuit amicus domini Regis et nullam inimicitiam fecit domino Regi nec parti sue. Ideo consideratum [est] quod abbas eat quietus.

8. *A Clerk of Oxford on the Earl's side.*

m. 19. Hundred of Stanes.

Alexander de Arches attachiatus venit et Iusticiarii imponunt ei Stanes quod cepit una cum aliis magistrum Rogerum Geue clericum et ipsum in carcere detinuit quousque finem fecit per xxiiij marcas tempore turbationis iniuste et contra pacem etc Predictus venit et defendit quicquid est contra pacem etc et dicit quod ubi venit per Oxoniam ad quendam equum emendum invenit dominum magistrum Rogerum in villa Oxon' et afforavit de ipso quendam equum et ipse depersonavit viliter dominum Edwardum et comitem Glovernie, qua propter dominus Edwardus precepit cum hoc audierat ad capiendum dictum magistrum Rogerum; Ita quod Mauricius de Berkele, cum quo dictus Alexander stetit, ipsum capere fecit et detinere quousque fecisset finem per .xx. marcas. Et quia dicit quod predictus magister fuit inimicus domini Regis' preceptum est vicecomiti quod capiat terram ipsius in manum domini Regis et quod habeat corpus suum ad respondendum etc.

¹ 'comitis Leycestrie' interlineated.

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The following abbreviations are used: b. bailiff, bp. bishop, h. hundred, j. justice, k. king, s. sheriff.

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